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Initial reports submitted by States Parties under articles 16 and 17 of the Covenant

Addendum

REPUBLIC OF KOREA

[21 October 1993]

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Introduction

1. On 10 April 1990, the Republic of Korea acceded to the International Covenant on Economic, Social and Cultural Rights, and the International Covenant on Civil and Political Rights and its Optional Protocol. The accession of the Republic of Korea to these Covenants became effective on 10 July 1990. In accordance with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (hereinafter referred to as "the Covenant"), the Government of the Republic of Korea hereby submits its initial report with respect to the measures the Government has taken for the protection of economic, social and cultural rights, and the progress it has made in achieving the observance of the rights recognized in the Covenant.

I. GENERAL COMMENTS

2. Article 1 of the Covenant, which recognizes a person's right to self-determination, is addressed in detail in the initial report of the Republic of Korea on the International Covenant on Civil and Political Rights (paras. 21-28).

3. Information concerning the application of articles 2 and 3 of the Covenant, is described in detail in the relevant parts of the initial report of the Republic of Korea on the International Covenant on Civil and Political Rights (paras. 28-45 and paras. 52-87).

4. With regard to articles 4 and 5 of the Covenant, which provide for limitations of rights under the Covenant, the Government does not interpret these provisions so as to infringe in any manner the rights and freedoms recognized under the Covenant, or to limit liberties beyond the limitations specifically established by the relevant articles. Article 10 of the Korean Constitution provides that: "All citizens possess the worth and dignity of human beings ... it shall be the duty of the State to confirm and guarantee the fundamental and inviolable rights of individuals." In addition, article 37, paragraph 1, of the Constitution stipulates that "Freedoms and rights of citizens shall not be neglected on the grounds that they are not enumerated in the Constitution".

5. In order to facilitate an understanding of the contents of this report, general information concerning the economic, social and cultural situation in Korea is summarized below.

6. Korean history is often said to date to 2333 B.C., when the first kingdom, named Choson, or the "Land of the Morning Calm" was established. Ancient Korea was characterized by clan communities which combined to form small city-states which rose and fell until, by the first century B.C. three kingdoms, Koguryo (37 B.C.-668 A.D.), Paekche (18 B.C.-660 A.D.) and Shilla (57 B.C.-935 A.D.), had emerged on the peninsula. The Shilla kingdom succeeded in unifying the peninsula in 668, and since this date Korea has been ruled by a single government and maintained political independence, and a cultural and ethnic identity in spite of frequent foreign invasions. Both the Koryo (918-1392) and Choson (1392-1910) kingdoms consolidated dynastic power and flourished culturally, while repelling intruders like the Khitans, Mongols, Manchus and Japanese. In 1910, Japan annexed Korea and instituted

colonial rule, bringing to an end the Yi Dynasty, and with it traditional Korea. National liberation in 1945 was soon followed by territorial division.

7. As of 1990, Korea had a population of 43,520,000 and a population density of 427 persons per km². Like many developing countries, Korea experienced serious social problems resulting from rapid population growth. With the recent success of Korea's family planning programme, and basic shifts in demographic trends, the rate of population growth has declined markedly. In fact, the rate of population growth in 1990 was 0.93 per cent. Despite Korea's present low growth rate, Korea has a large young work force. Approximately 50 per cent of the population are under the age of 25.

8. Another demographic characteristic is the shift in population from rural areas to cities, such as Seoul, the capital of Korea, which is now home to 25 per cent of the nation's population. The rural population, which made up 57 per cent of Korea's population in 1962, now constitutes only 18 per cent of the population. The Korean Government has prepared long-term plans for the development of human resources in order to counteract problems resulting from the imbalance between the urban and rural populations. The purpose of such plans is to resettle rural areas through the adjustment of economic activities and balanced land development.

9. Korea's rapid and continuous economic growth during the past 30 years has drastically changed its economic structure. Korea's GNP in 1962 was $2.3 billion, and its per capita income was $87. By 1991, GNP had increased to $280 billion, and per capita income had increased to $6,498. After the completion in 1966 of the First Five-Year Economic Development Programme, agriculture, forestry and fisheries industries made up 34.8 per cent of GNP, the manufacturing industries 20.5 per cent, and the service sector 44.7 per cent. In comparison, in 1990, these figures were 9.1 per cent, 29.6 per cent and 61.3 per cent, respectively. Korea is rapidly industrializing and income is rapidly increasing. It is now referred to as a "newly industrializing country". Korea's economic growth has its base in an abundant, well-educated industrial labour force, and an export-oriented industrial strategy. Korea is now one of the 10 largest steel producing nations, and its main industries include industrial machinery and equipment, electronics, shipbuilding and automobiles.

10. In traditional Korean society, an extended family structure, in which members of several generations lived together was the norm. As a result of modernization, extended families are being replaced with nuclear families. While the patriarch of the family has traditionally been regarded as a symbol of authority, and Confucian manners have traditionally governed the thoughts and actions of Korea's urbanization, recent economic and social changes are altering these traditional values.

11. Some consider traditional Korean culture as similar to the traditional culture of China or Japan, based on the view that all of these cultures were influenced greatly by Buddhism, Confucianism and Shamanism, and all utilize Chinese characters in their respective languages. However, the Korean culture has certain special characteristics which distinguish it from the cultures of China and Japan. The most important are a unique written language, and 5,000 years of distinct history.

II. RECENT DEVELOPMENTS

12. In the past, Korea has been called the "Land of the Morning Calm" and the "Hermit Kingdom". However, in the last 30 years, our political ideas and traditions have been appropriately harmonized with modern ideas. Through this process, Korea has emerged as a mature and democratic nation able to guarantee the welfare of its citizenry. Moreover, as it nears completion of its economic, social and cultural internationalization, Korea is on the verge of taking its place as an advanced industrial country.

13. At present, Korea is experiencing an economic, social and cultural revolution. Politically, Korea's democratization is nearing completion through the full extension of human rights, the guarantee of freedom of the press, and the implementation of a system of autonomous local government.

14. Economically and socially, Korea's goal is to provide an equitable distribution of the fruits of economic success to all classes, and to promote balanced social welfare based on the concept of economic fairness.

15. With respect to relations between South and North Korea, South Korea is fostering a relationship with the North based on a spirit of reconciliation and cooperation. South Korea has strived to take the initiative in easing tensions on the Korean peninsula with the goal of peaceful reunification. The signing of the "Agreement on Reconciliation, Non-Aggression, Exchange and Cooperation between South and North Korea" on 13 December 1991 symbolizes a new era in South-North relations.

16. Korea joined the United Nations on 17 September 1991 and has firmly established itself as a responsible member of the global community.

Article 6: The right to work

A. Guaranteeing the right to work

17. The Constitution contains several provisions concerning the right to work: human worth and dignity (art. 10), equality before the law (art. 11), freedom of choice of employment (art. 15), and a guarantee of life worthy of human beings (art. 34). In addition, article 32 prescribes that: "All citizens shall have the right to work. The State shall endeavour to promote the employment of workers and to guarantee optimum wages through social and economic means and shall enforce a minimum wage system as prescribed by law" (para. (1)). "All citizens shall have the duty to work. The State shall prescribe by law the extent and conditions of the duty to work in conformity with democratic principles" (para.(2)). "Standards of working conditions shall be determined by law in such a way as to guarantee human dignity" (para. (3)).

18. To realize these constitutional principles, the Ministry of Labour has established an institutional basis for the formation of democratic labour-management relations based upon equal and self-regulating relations between employers and employees. Furthermore, the Ministry promotes the public welfare by improving labour conditions and employee welfare, promoting

equal opportunity without discrimination based on sex, and protecting working women and youth. In addition, the Ministry is working to prevent industrial disasters.

19. The Act on Employment Security and Promotion aims at providing job security and employment opportunities and making a contribution to national economic development by providing employment opportunities consistent with worker ability (art. 1). In addition, article 2 of the Act stipulates that the Government is to provide the following to secure and improve employment:

(i) Job placement assistance, including domestic and overseas employment assistance for job seekers;

(ii) Research on labour supply and demand, compilation of lists of qualified technicians, employment promotion activities, and countermeasures against unemployment;

(iii) General guidance and supervision, job information, recruitment, and mediation;

(iv) Job aptitude tests;

(v) Improvements to unemployment insurance coverage and other related activities.

B. Labour market in Korea

1. Labour market environment

20. Employment in the sectors of agriculture, forestry and fishery is decreasing because of steady industrial growth since the 1960s, as well as rapid growth in the capital sector and other service sectors. Due to rapid urbanization and an expansion of the service sector, since 1988 employment in mining and manufacturing has decreased leading many to suggest that Korea's manufacturing base is beginning to erode.

Trends in employment by industry

(Unit: per cent)

Industry	1985	1988	1990	1991
Proportion of Agriculture, forestry and fishery	24.9	20.7	18.3	16.7
Mining and manufacturing	24.5	28.5	27.3	26.9
Capital and services	50.6	50.8	54.4	56.4

Source: Office of Statistics, Annual Report on Economically Active Population.

2. Employment, unemployment and imperfect employment

21. As of the end of 1991, the economically active population (working people and unemployed persons over age 15 looking for jobs) was 19,012,000 people, an increase of 525,000 people, or 2.8 per cent over the previous year. Furthermore, the rate of economic activity (the ratio of the economically active population to the potential labour population) reached 60.6 per cent, up 0.6 per cent compared to the previous year. The economically active population and the rate of economic activity have risen every year since 1985. The reasons for this are the economic boom between 1986 and 1988, which brought an increased demand for labour, increased women's participation in the work force, and increased participation among persons over 60 years of age. The above trend is expected to continue.

22. The number of employed among the economically active population increased by 540,000 in 1991 to 18,575,000 people, up 3.0 per cent compared to the previous year. But unemployment reached 436,000 an increase of 15,000 people. The unemployment rate was 2.3 per cent, down 0.1 per cent from the previous year. The increase in the number of workers is estimated to be about 2.2 per cent between 1992 and 1996. The rate of unemployment is anticipated to remain at 2 per cent reflecting the current labour shortage.

Economically active population trend

(Unit: thousand: per cent)

Year	Population 15 years old and over					Economically active (per cent)	Unemployment rate (per cent)
	Total	Economically active population			Non-economically active population		
		Total	Employment	Unemployment			
1980	24 463	14 431	13 683	748	10 032	59.0	5.2
1985	27 553	15 592	14 970	622	11 961	56.6	4.0
1990	30 801	18 487	18 036	451	12 314	60.0	2.4
1991	31 367	19 012	18 576	436	12 355	60.6	2.3

Source: Office of Statistics, Annual Report on Economically Active Population.

3. Special workers' situation by category

(a) Women Workers

23. The rate of economic activity among women workers in 1991 amounted to 47.3 per cent, up 0.3 per cent from the previous year. The total number of women employees was 7,507,000 (40.4 per cent), down 0.2 per cent from a year earlier. The unemployment rate of women reached 2.0 per cent with

a 0.2 per cent increase over the previous year. The above trends reflect not only that the economic activity of women workers has increased, but also that the unemployment rate among women is increasing.

Trend of economically active population by women

(Unit: thousand: per cent)

Year	Population 15 years old and over					Economically active (per cent)	Unemployment rate (per cent)
	Total	Economically active population			Non-economically active population		
		Total	Employment	Unemployment			
1980	12 659	5 412	5 222	190	7 247	42.8	3.5
1985	14 248	5 975	5 833	141	8 282	41.9	2.4
1990	15 897	7 474	7 341	133	8 423	47.0	1.8
1991	16 173	7 657	7 507	150	8 516	47.3	2.0

Source: Office of Statistics.

(b) Young workers

24. The economically active population between 15 and 19 years old in 1991 was 636,000 persons, a decrease of 77,000 persons from 1985. The number of unemployed was 59,000 persons, or approximately 9.3 per cent of the total youth population. This trend is attributed to the fact that the population of economically active youth is steadily decreasing, mostly owing to decreasing employment in labour-intensive industries and increasing school entrance rates.

Trend of economically active population and high school entrance rate

(Unit: thousand: per cent)

Sector	1970	1980	1985	1990	1991
Economically active population	1 412	1 194	713	634	636
High school entrace rate	70.2	84.6	88.8	91.4	94.0

Source: The Office of Statistics, Economically Active Population Trend.

(c) Aged workers

25. The economically active population over 60 years old in 1991 was 1,361,000 persons, a 479,000 increase from 882,000 in 1985. The number of unemployed was 4,000, or 0.3 per cent, down 0.1 per cent from the previous

year. The number of economically active people is steadily increasing owing to an increase in the life expectancy of Koreans and to shortages in the labour force.

Economically active aged population and average life expectancy

(Unit: thousands, age)

Sector	Year				
	1970	1980	1985	1990	1991
Economically active aged population	441	720	882	1 294	1 361
Average life expectancy	63.2	65.8	69.0	71.3	71.6

Source: The Office of Statistics, Economically Active Population Trend.

C. Employment policy

26. To enhance employment opportunities for newcomers to the labour market, the Korean Government has made a great effort to create jobs through economic development. In addition, the Government has supported programmes designed to educate technicians and craftsmen to meet the increasing demand for these skills. Meanwhile, labour conditions changed from an oversupply to a labour shortage in the beginning of the 1990s, so the Government implemented an employment promotion policy designed to find work for individuals who have found it relatively difficult to find a job, such as housewives, aged persons and disabled persons. The Government has also taken several steps to attract workers into the manufacturing sector, but is also promoting a policy of providing workers with employment opportunities consistent with their talents and aptitudes.

1. Training to improve employment opportunities for unemployed persons

27. To improve employment opportunities for jobless workers, the Korean Government sponsors employment training for jobless persons. The following chart shows the results of recent training programmes. In addition, the Government arranges retraining programmes for workers affected by plant shut-downs who are seeking opportunities in other industrial sectors. The Government's goal is not only employment security, to meet changing industrial labour demands through job training programmes, but also to ease labour shortages through full utilization of manpower.

Training to improve employment opportunities for the jobless

(Unit: persons, per cent)

Year	Class					
	Goal	Hopefuls	Enrolled	Course graduates	Employed personnel	Employment rate
1986	3 800	7 729	4 355	3 815	2 389	62.6
1987	4 500	11 277	5 845	5 177	3 675	71.0
1988	10 000	14 862	11 575	9 858	7 091	71.9
1989	10 000	15 420	10 963	9 761	7 057	72.3
1990	12 000	17 060	12 067	10 113	7 294	72.1
1991	11 000	14 303	10 231	7 280	4 868	66.9

2. Operation of job security instrument

28. To satisfy industries' labour demands and to increase suitable employment opportunities, the Government operates agencies in provincial and district offices. The Government has established a computer system for job placement and plans to expand the computerized networks to local self-governing bodies such as city, district and ward offices. In addition, there are 98 private sector employment agencies.

Job vacancies, job seekers and the employment situation

Sector	Year				
	1981	1985	1987	1989	1991
Job vacancies	243 014	649 053	872 654	831 530	862 261
Job seekers	246 187	669 342	703 435	702 614	711 917
Employed	199 399	571 927	522 647	566 871	573 530

Source: Job Security Bureau, Ministry of Labour.

3. Job Guidance

29. In accordance with article 2 of the Act on Employment Security and Promotion, the Government is not only to carry out job counselling and job aptitude tests, but is also to provide job information based upon article 4 of the Act. The Government also seeks to establish democratic labour-management relations by improving working conditions and operating job training programmes and grievance systems.

4. Prohibition of discriminatory treatment with respect to job selection and employment conditions

30. Article 15 of the Korean Constitution prescribes freedom of job selection. In addition, Article 5 of the Labour Standard Act stipulates that employers can not discriminate against employees regarding working conditions on account of nationality, religion, or social status. Furthermore, the Gender-Equal Employment Act forbids employers from discriminating against employees based on sex with respect to job selection and employment conditions. Article 1 (2) of the Act on Employment Security and Promotion prescribes that nobody is to be discriminated against concerning job arrangements, employment guidance and aid on the basis of sex, religion, social and economic position, etc.

D. Vocational training policy

1. Vocational training programme

31. The Government enacted its Basic Act for Vocational Training, derived in part from earlier laws, in 1976 in order to improve the status of workers and to contribute to the development of the national economy.

32. In order to help train skilled manpower and to solve labour imbalances which resulted from the high growth rate of Korea's economy, in March 1992 the Government established the Korea Vocational Training Management Agency, now known as the Korea Manpower Agency (KOMA), as a government funded institution under the Ministry of Labour. It carries out training, national technical qualification tests and the development of vocational training materials.

33. Additionally, the Government helps entrepreneurs train manpower by assisting them in the implementation of in-plant vocational training.

34. Recent changes to Korea's laws have responded to the increasing demand for highly skilled manpower and improved vocational training programmes for women, middle-aged persons and the physically handicapped as Korea's economy expands.

2. Vocational training achievements

35. Vocational training is classified as "Public vocational training", which is conducted in government training centres; "Authorized vocational training", which is conducted under the authorization of the Government; and "In-plant vocational training", which is conducted by private enterprises.

(a) Public vocational training

36. As of 1991, 80 training facilities for public vocational training had been established by KOMA under the Ministry of Labour. Local governments have also established their own vocational training programmes. By the end of 1991, there were 37 local facilities for vocational training, including two industrial colleges for training master craftsman and 35 vocational training institutes for training Class I and II Craftsman.

(b) Authorized vocational training

37. "Authorized vocational training" means vocational training implemented under the authorization of the Ministry of Labour. It is implemented in 106 vocational training facilities throughout the country. This vocational training is free of charge, or only a portion of the expenses are imposed on trainees.

(c) In-plant vocational training

38. "In-plant vocational training" is compulsory for entrepreneurs who hire more than 150 workers. By the end of 1991, in-plant vocational training was being carried out at a total of 211 vocational training facilities within 122 enterprises. Employers who do not implement vocational training programmes are required to contribute to the financing of vocational training projects.

Vocational training achievements

Classification	Year							
	1990				1991			
	Total	Public	In-plant	Authorized	Total	Public	In-plant	Authorized
No. of VTI	310	79	122	109	397	80	211	106
No. of trainees	75 148	24 988	31 363	18 797	91 586	20 498	51 208	19 880

Source: Vocational Training Bureau, Ministry of Labour

3. Korea Institute of Technology and Education

39. The Korea Institute of Technology and Education (KITE) was established in 1991 to educate vocational training teachers in four year vocational training courses.

4. Strategies of vocational training

40. The Korean Government has been actively carrying out manpower training by expanding programmes to train highly skilled manpower to cope with the rapid industrial changes in Korea and the need to strengthen international competitiveness.

41. The Government will have invested 308,200,000,000 won by 1996 for the vocational training of youths not entering higher education, unemployed college graduates, women, the physically handicapped and people with low income, and will have established 10 additional Associated Training Institutes and reinforced the facilities of existing training institutes to link the public and private sectors and to expand private sector training.

42. Public and private vocational training institutes will cooperate with one another to train and supply the manpower required, based on the needs of industries, regions and enterprises.

43. The Government encourages volunteer trainees to participate actively in vocational training as part of its skills promotion policy.

Article 7. Labour standards

A. Improvements in labour standards

44. Article 32, paragraph 3 of the Constitution of the Republic of Korea suggests the basic principle of Korea's labour-related laws: "Labour standards shall be so laid down in the law as to secure human dignity". Pursuant to this philosophy, the Government focuses its labour policy on improvements in labour relations through the establishment of practices for democratic and cooperative labour relations, the promotion of workers' welfare, improvements to the working environment in order to prevent industrial disasters and occupational diseases, and curtailment of working hours.

45. The Government of the Republic of Korea revised its Labour Standards Act in 1989 to reduce maximum working hours from 48 to 44 hours per week. It established the Korea Industrial Safety Corporation in 1987, and revised its Industrial Safety and Health Act in 1990 to improve the response to industrial disasters and occupational diseases. In addition, in 1990 it expanded the application of the 1986 Minimum Wage Act to all industries. Dedication to improving the welfare of workers is demonstrated by the construction of 160,000 housing units for workers by the end of 1992, the enactment of the 1991 In-Plant Labour Welfare Fund Act, and the establishment of a Labour Bank.

B. Wage system

1. Wage determination

46. Wage determinations are a function of wage-fixing factors and wage-adjusting factors. Wage-fixing factors primarily include the level of the cost of living, reflecting the increase in prices, and the solvency of an enterprise depending upon labour productivity. Wage-adjusting factors result from economic and social conditions, such as the national economic situation, and labour supply and demand. In addition, wage determinations of individual enterprises are based on the comparative bargaining strength of labour and management, or on the comparative wages of similarly situated workers.

2. Wage levels

47. Wage levels continue to rise. The monthly average wage in 1990 in enterprises with 10 or more regular workers was 642,309 won, an increase of 18.8 per cent from 1989. Wages and consumer prices during the last five years are set forth in the chart below.

Wages and consumer prices

Year	Division							
	Nominal wages			Real wages			Consumer prices in all cities	
	Amount (won)	Index	Rate (%) compared with previous year	Amount (won)	Index	Rate (%) compared with previous year	Index	Rate (%) compared with previous year
1986	350 966	108.2	8.2	341 407	105.3	5.3	102.8	2.8
1987	386 536	119.2	10.1	365 001	112.6	6.9	105.9	3.0
1988	446 370	137.6	15.5	393 624	121.4	7.8	113.4	7.1
1989	540 611	166.7	21.1	450 885	139.0	14.5	119.9	5.7
1990	642 309	198.1	18.8	493 325	152.1	9.4	130.2	8.6

Source: 1. Ministry of Labour, "Report on monthly labour survey".
2. Office of Statistics, "Annual report on prices".

48. The labour productivity index (based on regular employees) and the value-added productivity index (based on ordinary prices) increased by 13.9 and 17.4 per cent respectively, so that wage increases exceeded increases in productivity.

3. Income distribution

49. Income distribution is improving gradually. Overall, wages have risen to a reasonable level along with the acceleration of economic development. Between 1970 and 1990, the income distribution rate rose from 41.1 to 59.4 per cent. Between 1980 and 1988 the Gini Coefficient decreased from 0.3891 to 0.3355. This implies an improvement in income distribution. Wage differentials among industries, which were characterized by wide gaps during the 1970s, are narrowing, owing to the Government's efforts to minimize wage differentials, and in particular to the implementation of the "Minimum wage system" in 1988. Despite this trend, wage differentials based on the size of the enterprise are gradually widening because of the superior bargaining strength of trade unions. In response to this, in 1992, the Ministry of Labour implemented the "Total amount wage system" to minimize wage differentials.

C. Minimum wage system

50. The Minimum Wage Act of the Republic of Korea, enacted on 31 December 1986, was first applicable to all manufacturing businesses with 10 or more regular workers in existence in 1988. Its application was extended to the mining and construction sector on 1 January 1989 and now applies to all business entities with 10 or more regular workers. The scope of the Act is expected to be further expanded in the future.

51. The minimum wage level rises yearly when the new minimum wage is determined by the Minimum Wage Council. This Council is composed of 27 members, representing workers, employers and the public interest. This system can be viewed as a social policy for the protection of low-income workers.

1. Determination and adjustment of the minimum wage

52. The minimum wage is based on the cost of living, similarly situated workers' wages and labour productivity. A living cost survey and wage survey is made yearly.

53. In connection with the minimum wage adjustment process, the Minister of Labour requests, by 30 June of each year, the Minimum Wage Council to deliberate next year's minimum wage (Minimum Wage Act, art. 7). The Minimum Wage Council submits to the Minister of Labour, within 90 days from the date of receipt, its minimum wage proposal (art. 8). The Ministry of Labour then publicizes the proposal, and requests the Minimum Wage Council to redeliberate its proposal if either a workers' representative or an employers' representative raises any objections to the proposal, and if he has recognized the objection as reasonable (art. 9). If there is no reasonable objection, the wage is determined as recommended by the Minimum Wage Council (art. 10). Wage determinations by year are shown below.

Minimum wage by year

Division	Year				
	1988	1989	1990	1991	1992
Per hour	475	600	690	820	925
Per day (8 hours)	3 800	4 800	5 520	6 560	7 400
Rate increase	-	26.3	15.0	18.8	12.8

Source: Minimum Wage Council.

2. Minimum wage guarantee

54. Once the minimum wage has entered into force, every employer with a business with 10 or more regular workers must pay workers at least the minimum wage (Minimum Wage Act, art. 6). Otherwise the employer is subject to imprisonment not exceeding three years or a fine not exceeding 10 million won or to both (arts. 28-30).

55. In addition, article 6 (3) of the Act stipulates that:

> "where a labour contract between an employer and a worker covered by the minimum wage law provides for a wage less than the minimum wage rate, the relevant stipulation concerning the wage shall be null and void. In this case the stipulation which has become null and void shall be substituted with the minimum wage rate determined by this Act".

3. Supervision to secure the minimum wage

56. The labour inspector, as a judicial official, is in charge of the enforcement of this Act (art. 26). He becomes involved with the relevant affairs of a business when an employer violates this Act; and supervises businesses with respect to the implementation of the Act. Moreover, he assists the Minimum Wage Council in making a survey of the cost of living and wages.

4. Employers' obligation to notify

57. Every employer to whom the minimum wage applies must inform the workers concerned of the related minimum wage by displaying it conspicuously or by using other appropriate means (art. 11). Violations are subject to a fine not exceeding 1 million won (art. 29).

5. Scope of application

58. The Minimum Wage Act applies to businesses or workplaces to which the Labour Standards Act applies; except as prescribed by Presidential Decree, and in the case of seamen covered by the Seamen's Act (art. 3).

59. The Minimum Wage Act applies to all businesses or workplaces to which the Labour Standards Act applies, i.e. to all businesses with five or more regular workers. The policy was phased in over time. The Minimum Wage Act was applied first in 1988 to manufacturers with 10 or more regular workers. Since 1990, however, the Act has applied to all industries with 10 or more workers, irrespective of whether or not the workers are full-time, temporary or part-time. The development of the Minimum Wage Act is shown below.

Scope of the minimum wage system

Division	Year				
	1988	1989	1990	1991	1992
Industries covered	Manufacturing with 10 or more workers	Manufacturing mining and construction	All industries with 10 or more workers	All industries with 10 or more workers	All industries with 10 or more workers
Number of businesses covered	34 984	39 97	73 562	78 016	82 923
Number of workers covered	2 266 675	3 052 555	4 386 041	4 556 075	5 620 164
Number of beneficiaries	94 410	327 954	211 689	392 535	391 502

Sources: Ministry of Labour, "Survey on the labour reality of business entities"; Minimum Wage Council, "Report on Wage Reality Survey".

6. Exceptions

60. An employer with 10 or more workers may gain exemption from the minimum wage requirements if the employer has obtained permission from the Minister of Labour based on any of the following reasons enumerated in the Minimum Wage Act: (i) a worker has a very limited working capacity; (ii) a worker is on probation; (iii) a worker is receiving basic training in an in-plant vocational training course as prescribed by the Basic Act for Vocational Training; or (iv) a worker is recognized as being among those workers to whom it is deemed inappropriate to apply the minimum wage.

D. Equal pay for equal-value work

61. The Gender-Equal Employment Act, promulgated on 4 December 1987, provides for: equal opportunity and treatment between males and females with regard to recruitment and employment (art. 6), the principle of equal pay for equal-value work (art. 6.2), the prohibition of discrimination with regard to education, placement and promotion (art. 7), the prohibition of discrimination with regard to retirement, resignation and dismissal (art. 8), child care leave (art. 11), and the establishment of welfare facilities for female workers.

62. By reviewing employment regulations governing employee working conditions, Korea has sought to prevent discrimination against female workers with regard to recruitment, employment, wages, retirement, etc., and to educate the public, including employers, on gender issues.

63. To realize the principle of "equal pay for equal-value work", Korea assists firms to evaluate jobs objectively and to assure equal pay for jobs of equal value. "Equal pay for equal-value work" will be realized through achieving common agreements on what constitutes equal value, and judicial precedents regarding the notion.

E. Prohibition of discrimination with regard to promotion

Equal opportunity regarding promotion

64. The Constitution provides equal rights as a fundamental human right. Article 5 of the Labour Standards Act was enacted to prohibit discrimination in the workplace based on sex, nationality, religion or social position. Every male and female worker therefore has a substantially equal opportunity of promotion based on ability. Article 7 of the Gender-Equal Employment Act goes further, providing that workers shall not be disadvantaged because they are female.

65. The Labour Standards Act and the Gender-Equal Employment Act are applied to all businesses and workplaces with five or more permanent workers.

F. Protective system for legal working conditions

66. The Labour Standards Act of 1953 was pivotal in improving working conditions in Korea. The Act stipulates working hours, wages, holidays, vacations, restrictions on discharge, and retirement allowances, and provides for a labour inspection system.

1. Legal working hours

67. In 1953 when the Labour Standards Act was first enacted, an 8-hour day, 48-hour work week was the norm. The 1989 revision of the Act provides for an 8-hour work day, 44-hour work week, regardless of the type of business. Overtime is only permitted when the concerned parties have a mutual agreement. In such cases, workers should be paid one and a half times their normal hourly wage. Separate stipulations are provided for minors under the age of 18 and female workers.

2. Holidays

68. Management is obligated to allow one paid day off per week. One and a half times the normal wage rate should be paid if workers work on such days.

In addition to the weekly day off, 17 official holidays, and the anniversaries of the labour union's inauguration and of a company's inauguration are usually treated as paid holidays based on a joint agreement between labour and management.

3. Vacation

69. Workers are allowed 10 days of paid leave for one full year of service without absence, and 8 days of paid leave with pay for not less than 90 per cent attendance. An employee is granted one day of additional paid annual leave for each consecutive year of service exceeding one year, in addition to the leave mentioned previously. Female workers are guaranteed one paid day of menstrual leave per month without having to request the leave day in advance. Paid summer vacations and winter vacations last about five days. Upon agreement between labour and management, irrespective of the above vacations, leave can be granted for special occurrences, including family affairs.

4. Other stipulations on the protection of workers

70. Major characteristics of the protection of workers as stipulated in the Korean Labour Standards Act are as follows:

Workers should not be discharged without good reason;

Even with good reason, one-month's notice should be given;

A discharge allowance payment is compulsory by law; workers should be paid an amount equal to or more than 30 days of remuneration for every year worked. This contributes to workers' security, as does the National Pension Act;

The wage bond has a priority over general bonds or taxation;

Legal working standards are monitored by 824 labour inspectors in 45 local labour offices nationwide to ensure the application of labour laws in workplaces;

The primary responsibility of the labour inspectors includes labour inspections on a regular or ad hoc basis and initiating the administrative or judicial process after receipt of a report or accusation by employees.

Legal working conditions under the Labour Standards Act

	Classification	Content
Working hours	Adults	8 hours per day, 44 hours per week
	Minors (under 18)	7 hours per day, 42 hours per week
Overtime work	Males	less than 12 hours per week (upon agreement by concerned parties)
	Females	1 hour per day, 6 hours per week (upon agreement by concerned parties)
	Minors (under 18)	1 hour per day, 6 hours per week (upon agreement by concerned parties)
	Overtime work allowances	Payment of an additional 50 per cent of wages
Night work	Females or minors	Prohibited from night work (10 p.m.-6 a.m.)
	Night work allowances	Male adult workers are paid an additional 50 per cent of wages when working at night
Holidays	Weekly holiday	Once per week (52 days per year), paid
	May Day (10 March)	1 day, paid
	Holiday work allowances	An additional 50 per cent of wages when working on holidays by agreement of the concerned parties
	Yearly paid vacation	10 days, paid (an additional 1 day for every year after 2 years have passed)
Vacation	Monthly paid vacation	1 day per month (12 days per year), paid
	Menstrual paid leave (females)	
	Pre- and post-childbirth leave (females)	60 days, paid
	Child rearing leave (females)	1 year upon request
	Discharge allowance	Payment equal to 30 days of wages per year of service
Discharge	Causes	No discharge without legitimate cause
	Notice of discharge	1 month's notice of discharge or payment of 1 month's wages when discharging with legitimate cause
	Shut-down allowances	Payment of 70 per cent of average wages when company is accountable for a shut-down
	Compensation for disaster	Work-related illness or injury, recuperation compensation, disability compensation, bereavement compensation, funeral expense compensation

5. Workers excluded from coverage

71. The Labour Standards Act does not apply to businesses and workplaces with four or fewer permanent workers. To protect workers in small workplaces, on 3 February 1991, the Ministry of Labour disseminated "Directions to protect labour in small workplaces" to all local labour offices in Korea. They require the specification of basic working conditions so as to prevent disputes and also offers guidance about small claims cases and the Law Relief Corporation.

72. The Labour Standards Act does not apply to businesses and workplaces consisting of relatives living in the same household, or to domestic servants (art. 10).

73. The provisions of chapter 4 (hours of work and rest) and chapter 5 (females and minors) relating to working hours, rest and holidays do not apply to labourers working in the following businesses and industries (art. 49):

(a) Cultivation of land, reclamation work, seeding and planting, picking, or other agricultural and forestry work;

(b) Livestock breeding, collection of marine products, regeneration of marine products, or cattle breeding, sericulture and fishery work;

(c) Workers engaged in supervisory work or intermittently assigned work, approved by the Labour Relations Commission; and

(d) Workers engaged in such work as may be provided by Presidential Decree.

G. Securing industrial safety

1. Major prescriptions

74. Korea has laws and regulations which provide minimum limits for industrial safety and health to enhance the quality of life in the workplace. The major laws are the Industrial Safety and Health Act (ISHA), enacted on 31 December 1981, the Act concerning the Prevention of Pneumoconiosis and the Protection of Pneumoconiosis Workers, enacted on 31 December 1984, and the Presidential Decrees and Regulations pertaining thereto. In addition to those laws, Korea has 58 more regulations on industrial safety.

Fields of application of industrial safety standards

Field of application	Number of regulations	Major contents
Companies which manufacture and use protective devices, dangerous machinery and instruments	15	Provide methods of testing performance, and procedures and standard for protective instruments and safety devices Provide for standards of safety and inspection of machinery which frequently causes industrial accidents, such as presses cranes, elevators, etc.
Companies with a probability of industrial accidents resulting from manufacturing of machinery or electrical facilities (among companies covered by ISHA)	20	Provide quidelines concerning standards for press and cutting machine which frequently cause industrial accidents Establishment of standards and technical guidelines for the prevention of electrical accidents Safety guidelines in the industries in which industrial accidents frequently occur
Companies with a probability of industrial accidents due to chemical related processes (among the companies covered by ISHA)	5	Regulations on chemical and drying facilities Technical guidelines for safety evaluations of chemical facilities Technical guidelines for the prevention of industrial accidents in chemical and related facilities
Construction companies	8	Guidelines and criteria for safety standards in each process of construction
Companies with dangerous working environments that are obliged to offer special protection for workers' health	10	Measuring method of working environment, permissible density limits, and criteria for manufacturing and using hazardous substances Provision of workers' health examinations and working standards

Source: Bureau of Industrial Safety, Ministry of Labour.

2. Coverage

75. The laws and regulations concerning industrial safety in principle cover all companies which employ more that one worker, excluding those in the agriculture, forestry, fisheries and hunting industries. However, coverage may vary based on hazards and difficulties faced in various industries.

76. The agriculture, forestry, fisheries and hunting industries are not covered by ISHA because of difficulties in applying laws in a constant manner in these sectors as they differ from general industries in the manner of work and patterns of employment.

77. The following occupational categories are excluded from the application of ISHA because of the lack of risk or danger in the workplace:

(a) Service businesses, except legal services, accounting, clerical affairs, construction, engineering, technical inspection and examination, information-related business and businesses that lease equipment or machines;

(b) Manufacturers of clothing, including leather and fibres;

(c) Industries covered by the Mine Preservation Act, the Atomic Energy Act, the Aviation Act and the Ship's Safety Act;

(d) Low-risk industries based on their use of energy, including many wholesale, retail, food, lodging, real estate and social service businesses; and

(e) Banking businesses, insurance businesses, businesses with only clerical workers and businesses with four regular workers or less.

3. Measures for the protection of workers excluded from coverage

78. Workers who are engaged in businesses excluded from the application of the Industrial Safety and Health Act are increasingly protected by other measures.

79. For workers in excluded industries, Korea provides workplace guidance and supervision, and is seeking to develop and disseminate accident prevention measures and techniques through education and publicity. Safety inspections and examinations of dangerous equipment and machinery are also required.

80. Also for the protection of the health of workers excluded from the application of the Act, Korea is encouraging employers to take safety and health action and is providing government loans for the improvement of safety.

4. Industrial Accidents

81. The rate of industrial accidents has been decreasing since 1983 and the number of industrial accidents has continually declined since 1985.

82. The percentage of diseases also decreased since 1983 when special health examinations were instituted. As a result of general health examinations, the rate of disease among workers has also continuously decreased since 1985.

Rate of industrial accidents

(Unit: person; case; per cent)

Division	Year				
	1983	1985	1988	1989	1990
Number of workers	3 941 152	4 495 185	5 743 970	6 687 821	7 542 752
Number of injuries	156 972	141 809	142 329	134 127	132 893
Number of accidents	156 116	140 218	141 517	128 138	126 966
Frequency rate a/	14.00	11.57	9.26	7.47	6.70
Severity rate b/	2.66	2.68	2.52	2.19	2.30
Accident rate c/	39.83	31.55	24.78	20.06	17.62
Accident rate d/	3.98	3.16	2.48	2.01	1.76

Source: Bureau of Industrial Safety, Ministry of Labour.

a/ Frequency rate: $\frac{\text{number of accidents}}{\text{number of working hours annum}} \times 1{,}000{,}000$

b/ Severity rate: $\frac{\text{total workdays lost}}{\text{number of annual working hours}} \times 1{,}000$

c/ Accident rate (in thousands): $\frac{\text{number of injuries}}{\text{number of workers}} \times 1{,}000$

d/ Accident rate: $\frac{\text{number of injuries}}{\text{number of workers}} \times 100$

Occupational disease and disease case ratio

(Unit: per cent)

Division	Year						
	1984	1985	1986	1987	1988	1989	1990
Occupational disease case ratio	2.65	2.37	2.42	2.03	1.98	1.48	1.41
Disease case ratio	3.63	4.626	4.03	2.25	2.37	2.28	2.27

Source: Bureau of Industrial Safety, Ministry of Labour.

83. In 1987, the Korean Government established the Korean Industrial Safety Corporation to prevent industrial accidents. Nine national and regional offices for technical guidance were also in place by 1991. The Industrial Safety Bureau in the Ministry of Labour and industrial safety divisions in 38 regional labour offices were established in 1989 to guide and supervise the development of workplace safety policies.

84. The Industrial Safety and Health Act is designed to prevent accidents and occupational diseases. In addition, the first six-year plan for the prevention of industrial accidents and comprehensive programme for the prevention of occupational diseases was instituted in 1991. Korea also established an industrial accident prevention fund in 1991 to increase investments to prevent industrial accidents. The total amount of the fund in 1992 was 50,713 million won.

Article 8. The three labour rights

A. The right to organize and participate in trade unions

85. Article 33, paragraph 1 of the Constitution of the Republic of Korea provides that "workers shall have the autonomous right of organization, collective bargaining, and collective action in order to improve working conditions". Collectively, these are referred to as the three rights of labourers. The Trade Union Act and the Labour Dispute Adjustment Act, both enacted on 17 April 1963, were implemented to carry out the spirit of the Constitution. The Trade Union Act provides for the free establishment and democratic operation of trade unions, voluntary collective bargaining and negotiating of collective agreements, legal powers and terms of validity, and regulations and relief processes regarding unfair labour practices by employers. The Labour Dispute Adjustment Act provides for the restriction, prohibition, conciliation, mediation, arbitration, etc., of labour disputes.

86. Article 8 of the Trade Union Act guarantees free establishment of trade unions in any workplace with more than two workers (who live on wages, payments and other similar income, irrespective of the kind of occupation). Workers can set up any form of trade union in any individual company, region,

type of business or type of occupation. However, the employer (a business owner, a manager of the business, or an individual who acts for the employer in matters concerning the labour affairs of the business), or representatives who act on behalf of the employer, are not allowed to organize trade unions (art. 3, subpara. 1 of the Act).

87. Prior to 1987, it was stipulated by the Act that an enterprise unit must employ 30 workers or have one fifth of the workers participate in order to establish a union. Such restrictions were lifted altogether on 28 November 1987 when the Act was revised. The procedure by which a trade union is established is quite simple: workers turn in a written notice of establishment to the administrative office in charge of their district. The office is then expected to issue a certificate of acceptance of notice within three days (art. 15).

88. Potential unfair labour practices by employers are strictly prohibited. Examples of prohibited behaviour include discharging or discriminating against workers who are engaged in trade union activities, and control of, or intervention in, workers' union activities (arts. 39-44).

B. Organizing activity of trade unions

89. As of December 1990, Korea had 7,698 trade unions and 1,886,884 union members. Though trade unions in Korea steadily expanded their organizing power in the 1960s and 1970s, between 1987 and 1990 the number of trade unions tripled and union membership doubled.

Trade unions and union membership

Year	Classification			
	Number of trade unions	Number of union members		
		Total	Male	Female
1981	2 157	966 738	628 259	338 479
1986	2 674	1 035 890	724 566	311 324
1987	4 102	1 267 457	900 129	367 328
1989	7 883	1 932 415	1 402 106	530 309
1990	7 698	1 886 884	1 384 730	502 154

Source: Office for Industrial Relations Policy, Ministry of Labour.

90. Trade unions in Korea take diverse forms. They are classified by type of enterprise, region and occupation. Unions are affiliated with 21 federations classified by industry. Half of the total membership of these federations consists of members of the following four federations: metal workers, united workers, chemical workers and textile workers. The 21 federations are affiliated with the Federation of Korea Trade Union (FKTU), a nationwide organization.

Unionization by Industry

(As of 31 December 1990)

Federation	Number of unions	Membership
Total	7 698	1 886 884
FKTU	1	
Korean Railway Workers' Union	1	31 478
Federation of Korean Textile Workers' Unions	478	137 139
Federation of Korean Mine Workers' Unions	114	35 633
Korean National Electrical Workers' Unions	1	28 343
Federation of Foreign Organization Employee's Unions	86	34 171
Korean Federation of Communication Trade Unions	31	52 562
Korean Federation of Port Transport Workers' Unions	68	39 825
Korea Seamen's Union	63	86 707
Korean Federation of Bank and Financial Workers' Unions	196	146 114
Korea Tobacco and Ginseng Workers' Unions	10	12 122
Federation of Korean Chemical Workers' Unions	1 051	197 335
Federation of Korean Metal Workers' Unions	1 526	429 710
Korean National United Workers' Federation	1 365	237 065
Federation of Korean Printing Workers' Unions	195	26 512
Korea Automobile Transport Workers' Federation	756	96 012
Korean Tourist Industry Workers' Federation	173	25 594
Korea Postal Workers' Union	5	23 499
Korea Federation of Insurance Labour Unions	44	19 422
Federation of Korean Taxi Transport Workers' Unions	1 367	118 460
Federation of Korean Rubber Workers' Unions	59	70 476
Federation of Clerical and Free Financial Workers' Unions	108	38 700

Source: Office for Industrial Relations Policy, Ministry of Labour.

91. FKTU and the 21 industrial federations have a conference of representatives, normally meeting once a year, which serves as a supreme organ for making decisions and setting policy. The term served by the members of the executive office of FKTU and the industrial federation of trade unions is normally three years, with the members of the office being elected through a conference of representatives. These associated organizations direct or counsel their unit unions and deal with policy affairs, such as demands for the revision of labour-related laws which may be inappropriate at the level of enterprise-based trade unions.

92. Unit trade unions, or their federations, may perform various activities in association with international labour organizations, or participate with them in order to improve the social and economic status of their members. No regulation has been imposed, by law or practice, on such activities or participation. At present, FKTU which is at the centre of the Korean labour movement, is engaged in active exchanges with the International Labour Organisation (ILO), the International Confederation of Free Trade Unions (ICFTU), etc.

C. Restrictions on organizing or joining trade unions

1. Public employees' establishment of or activity for trade unions

93. Article 33, paragraph 2 of the Constitution prescribes that "public employees shall have the rights of organization, collective bargaining, and collective action as provided for in law". In accordance with the above provisions, the Trade Union Act and the National Public Officials Act place restrictions on the enjoyment of the three workers' rights. Public officials are not permitted to organize or join trade unions (article 66 of the National Public Officials Act, article 58 of the Local Public Officials Act). In addition, officials such as soldiers in active service, policemen, prison officers and fire-fighters are also prohibited from enjoying the three workers' rights (article 38 of the Standing Orders for Service of Soldiers, article 12 of the Policemen's Service Regulations, article 66 of the National Public Officials Act and article 28 of the Officials' Service Regulations). However, public officials who engage in physical labour, such as postmen, labourers in the railroad service and labourers engaging in general service for the Ministry of Communications, the Office of National Railroads and the National Medical Centre, may organize or join a trade union (article 28 of the Officials' Service Regulations).

94. The main reasons for these restrictions is that public officials have a special duty to serve the people: they are responsible for the management of the State, and the burdens resulting from their collective activity are transferred to all citizens.

Union organization by public employees

(As of the end of 1991)

(Unit: person)

Name	Date of establishment	Number of union members
Railroad workers' trade union	24 August 1961	29 080
Communication workers' trade union	24 August 1961	24 040
National medical centre workers' trade union	8 March 1963	256

Source: Office for Industrial Relations Policy, Ministry of Labour.

95. Recently, there have been proposals that public officials be guaranteed the right to organize at a minimum level since they are also workers. However, such propositions have not gained the support of a majority of the people.

2. Prohibition of teachers' unionization

96. School teachers are in a normal sense workers since they are engaged in the guidance and education of students and live on income derived from their jobs. At the same time, teachers have a special social responsibility as well: teachers, like public officials, provide a special service to the general population, whether they teach at public or private schools. In addition, the working relations of teachers cannot be treated in the same manner as those of general workers because of the need to ensure effectively the people's right to education, which is guaranteed in the Constitution, and also the need to preserve the essence of the educational system, which contributes directly to the public welfare. Korean society has a traditional notion, derived from Confucian thinking, that the king, the teacher, and the father, are all one. Educators have long been respected at a societal level. Given this social environment, it is considered unimaginable to the general population that teachers would form trade unions or engage in strikes. Against this backdrop, pursuant to the National Public Officials Act and the Private School Act, school teachers are prohibited from organizing trade unions in Korea.

97. Despite restrictions under current law, some teachers took the lead in organizing the so-called "National Trade Union for Teachers" in 1989, and attempted to spread their activities. However, they were criticized by the general population, which believes that they were engaging in radical political activities as opposed to labour activities, since they pushed for the reorganization of the educational system, a change in the ideology of education, and issues relating to textbook contents, instead of focusing on improvements in the treatment of teachers and their working environment.

98. In July 1991, the Constitutional Court ruled that the Private School Act, which prohibits private school teachers from participating in trade unions, does not violate the constitutional guarantee of the three workers' rights, since article 80 of the Educational Act prescribes that private school teachers may protect or improve their pay and status not only directly through relevant legal provisions, but also through the Educational Association, a teachers' organization suitable to their status, (decision of the Constitutional Court, 22 July 1991). Moreover, the Constitutional Court ruled, in a constitutional petition judgement case, that article 66, paragraph 1 of the National Public Officials Act, which prohibits any labour movement comprised of public officials, except persons engaged in physical labour, is not incompatible with the equality principle of the Constitution (decision of the Constitutional Court, 28 April 1992).

99. On the other hand, the Special Act for Teachers' Status Improvements guarantees the Educational Association the right to negotiate and consult with central or local government on measures to be taken in order to enhance the status of teachers. The Korean Federation of Teachers' Associations, comprising about 70 per cent of the total number of teachers and operating in accordance with the above Act, is very active and exerts a strong influence for the enhancement of the welfare of teachers.

3. Restriction on the multiple establishment of trade unions

100. Article 3, subparagraph 5 of the Trade Union Act does not permit the existence of trade unions whose purpose is to interfere with the normal operation of established unions. Newly planned unions are not permitted to attempt to represent those workers in business entities who already belong to another trade union.

101. Some have criticized these stipulations based on the idea that "they limit the free establishment of trade unions", or that "they restrict multiple trade unions". However, these rules were designed to meet the reality of Korea where two thirds of the trade unions are only two or three years old, too young to ensure strong leadership. If too many unions vie for leadership within one business entity, the betterment of working conditions will not be effectively achieved. Also, the existence of too many unions within one business entity serves as an invitation for internal labour disputes. By preventing such mishaps in advance through the protection of existing trade unions, these provisions better labour's working conditions.

D. Restrictions on the political activities of trade unions

102. Article 12 of the Trade Union Act prohibits trade unions from supporting particular political parties, attempting to elect particular candidates and exacting contributions to political funds for the election of public officials.

103. These prohibitions were enacted because of concerns that the fundamental goal of trade unions, that is, the maintenance and betterment of working conditions, would be neglected if unions were taken advantage of by leaders who sought to fulfil personal political desires through political activities.

At the same time, with most Korean trade unions being organized at the company level, it is improper for trade unions to conduct such political activities.

104. Even under current law, however, petitioning of the Government or National Assembly and legitimate lobbying are permissible as long as they are designed to achieve the goals of the union. Also, no restrictions are placed on union members' individual support for political candidates, or their individual participation in political parties.

E. Protection of or restriction on the right to strike

1. Protection of the right to strike

105. The workers' right to strike is a constitutional right secured through the provisions of article 33, paragraph 1 of the Constitution, which provides that: "workers shall have the autonomous right of organization, collective bargaining, and collective action in order to improve their working conditions". For the embodiment of these provisions, article 2 of the Trade Union Act prescribes that the provisions of article 20 of the Criminal Code shall be applied to collective bargaining and other legal acts of the trade unions which have been undertaken justifiably. Moreover, article 8 of the Labour Dispute Adjustment Act protects workers' justifiable strike action. This article provides that "an employer may not be allowed to claim damages which have been suffered from a labour dispute under this Act against a trade union or a worker".

2. Restriction on the right to strike

106. While a worker's right to strike is inherent in the Constitution, the Labour Dispute Adjustment Act provides minimum regulation of this right to minimize or prevent negative effects for the following reasons:

(i) The act will involve economic loss for both management and labour;

(ii) The act will have a grave direct or indirect effect on people who are not directly concerned with it; and

(iii) The act will affect the national economy.

(a) Restrictions of the Labour Dispute Adjustment Act

107. Article 12, paragraph 1 of the Labour Dispute Adjustment Act stipulates that "the acts of dispute of a trade union shall not occur unless the decision to do so has been made by an affirmative vote cast directly by the majority of the union".

(b) Special restriction on acts of dispute

108. Article 12, paragraph 3 of the Labour Dispute Adjustment Act stipulates that "an act of dispute shall not be undertaken in locations outside the concerned place of business".

(c) Prohibition of the exercise of violence

109. Article 13, paragraph 1 of the Labour Dispute Adjustment Act prescribes that "no act of dispute employing violence or subversive activities (sabotage) shall be allowed". These kinds of act are not admitted as justifiable, and those who employ such acts may not be exempted from civil or criminal responsibility.

(d) Restrictions for the maintenance of safety facilities

110. Article 13, paragraph 2 of the Labour Dispute Adjustment Act stipulates that "no act which suspends, discontinues or obstructs the normal maintenance and operation of safety protection facilities of factories, work places or any other workshops shall be regarded as an act of dispute".

(e) Restrictions on acts during the cooling-off period

111. Article 14 of the Labour Dispute Adjustment Act prescribes that "no act of dispute shall be conducted unless 10 days have elapsed in the case of ordinary enterprises and 15 days in the case of public utilities after receipt of the report, prescribed in paragraph 1 of article 16, by the Labour Relations Commission.

(f) Restrictions during the arbitration period

112. Article 31 of the Labour Dispute Adjustment Act stipulates that "despite the provisions of article 14, in case a dispute is referred to arbitration, no act of dispute may be undertaken for 15 days, following the date of such referral".

(g) Restrictions at the time of emergency adjustment

113. In accordance with the Labour Dispute Adjustment Act, the Minister of Labour may render a decision for an emergency adjustment, if an act of dispute is related to the public interest, or if it is of so large a scale or of so specific a character that a danger which might prominently impair the national economy exists, or the daily life of the general public is endangered (art. 40). The parties concerned shall immediately suspend any act of dispute when a decision for an emergency adjustment is announced, and no act of dispute shall be commenced again unless 20 days have elapsed from the date of announcement (art. 41).

(h) Restrictions during the period of mediation

114. If, after the proposal for mediation has been accepted by both concerned parties, any disagreement occurs between the parties regarding the interpretation of, or how to perform, the proposed mediation, the parties concerned shall request a clarifying opinion from the mediation committee. The mediation committee shall state its opinion within seven days from the receipt of the request. The parties concerned shall not dispute the result of the mediation until opinions are presented in compliance with the above provisions of the Labour Dispute Adjustment Act (art. 28).

3. Prohibition of third party intervention

115. Article 13 (2) of the Labour Dispute Adjustment Act prohibits third parties, except FKTU and the industrial federations, from controlling, inciting, or intervening in labour disputes, since labour disputes should be solved voluntarily and third party intervention would prolong and increase disputes.

116. This regulation is based on the premise, that by operating independently and under internal democracy, trade unions provide the most effective forum for resolving labour problems. It is only natural that trade unions should be established and operated through the free will of workers, and that third-party interference or intervention should be eliminated in order to allow for the autonomy of the workers.

117. Under current law, it is not considered to be third-party intervention if lawyers and certified labour experts are consulted at the request of the labour union, as long as they do so within their power as authorized under the statutes.

118. The Constitutional Court ruled on 15 January 1990 that the rules prohibiting third-party intervention were not unconstitutional, because they prohibited action to distort or obstruct the settlement of disputes, but not the assistance of experts.

119. If acts of dispute, including strikes, infringe the above restrictions, civil or criminal immunity is not excluded, but is applied specifically and individually.

4. Restrictions in the defence industry

120. Article 33 (3) of the Constitution also stipulates that the right to collective action of workers employed by important defence industries may be either restricted or denied under conditions prescribed by law. These restrictions are imposed to protect national security and the interests of the whole nation against individual interests.

5. Restrictions on acts by seamen

121. The Seamens' Act places a special restriction on the right to strike and other labour rights by providing that labour relations disputes shall not be permitted when the ship is sailing or is anchored in a foreign port, or when a dispute causes danger or harm to human lives or the ship itself.

122. Penal provisions are provided in the second paragraph of article 136 for persons who direct or engage in dispute activities, and persons who actively participate in or instigate an act of dispute. If a dispute is engaged on the grounds that the shipowner has violated this Act against the interests of seamen, or has breached a labour contract, the seamen shall not be punished (art. 136, para. 3). The above provisions apply to seamen boarding ships exceeding 5 gross registered tons. They do not apply to seamen boarding ships sailing only on lakes or rivers or within harbours, and fishing ships not exceeding 30 gross registered tons sailing coastal and near sea areas.

F. Labour disputes and the resolution system

1. Labour disputes

123. The average number of labour disputes was about 200 incidents per year until 1986. Between 1987 and 1989, however, there were 7,238 disputes in a three-year period. This trend towards a larger number of disputes reversed itself in 1989, and the number of incidents has decreased to about 200-300 since 1990 for the following reasons: improvements in the bargaining ability of labour and management, the positive efforts of employers for the normalization of labour-management relations, the tendency of the labour movement to pursue utilitarianism, the Government's policies to provide conditions necessary for industrial peace, and grass-roots public opinion favouring security. The principal issue in disputes is wages. This is resolved by collective bargaining.

Labour disputes

(Unit: case, per cent)

Classification	Year				
	1987	1988	1989	1990	1991
Labour disputes (cases)	3 749	1 873	1 616	322	234
Notification (cases)	146	2 256	3 190	1 777	1 725
Illegal labour disputes (cases)	3 529	1 491	1 107	183	93
By cause (Per cent)	100.0	100.0	100.0	100.0	100.0
Wage	70.9	53.6	49.6	55.0	58.5
Collective bargaining	19.6	24.8	27.7	15.8	24.8
Discharge	1.4	5.9	5.0	5.6	3.0
Others	8.1	15.7	17.7	23.6	13.7

Source: Office for Industrial Policy, Ministry of Labour.

124. Korean labour disputes tend to occur in the months of April to June, when most joint wage agreements expire and wage bargaining takes place.

2. Principle of self-regulating resolution

125. When disputes occur due to disagreements on working conditions such as wages, welfare, discharge, or treatment, the Korean labour-related laws acknowledge the principle of self-regulating resolution between labour and management. Article 6 of the Labour Dispute Adjustment Act prescribes that labour and management should make efforts to autonomously resolve their disputes. This prescription is based on faith in the principle of autonomous

labour management, and relies on methods such as the labour-management conference systems as the most reasonable and effective for solving disputes.

3. Procedures for dispute acts

126. The Korean Labour Dispute Adjustment Act grants immunity to unions for financial damage incurred by a company owner or a third party in the case of legitimate dispute acts by trade unions. It also prohibits the employment of workers during strike periods. In addition to having legitimate objectives and following appropriate methods, several legal procedures must be followed by trade unions if dispute acts are to be regarded as fair and legitimate. They include:

(i) Notification to the Labour Committee or the relevant administrative agency of the occurrence of a dispute.

(ii) Observance of a cooling-off period which is 10 days for general businesses and 15 days for public welfare businesses.

(iii) Secret ballots by the entire union membership, with approval by a majority of the members.

If the above procedures are complied with at the beginning of a strike, the company owner may close the workplace in order to cope with the situation. There is no stipulation in the Act about pay during strike periods, but the "no work, no pay" principle is becoming a customary practice.

4. Labour relations commissions

127. The Labour Relations Commission is an organization that mediates public disputes in Korea. It is composed of 30 representatives. There are 10 representatives from labour, 10 from the company, and 10 from the public. Three representatives, one from each of the sectors, are in charge of mediation of special dispute acts. The Labour Commission has local chapters in 13 regions which are in charge of cities and provinces, and a Central Labour Commission which takes care of the adjustment of particularly significant disputes, or cases involving more than two cities or provinces. There is an administrative office that assists representatives with their jobs on Labour Relations Commissions.

128. The following procedure applies. Labour provides notification of a strike. The Labour Relations Commission then seeks to resolve the labour dispute through conciliation, mediation, or arbitration based upon the request of the concerned parties. When the Labour Relations Commission determines that a strike in the public welfare sector may result in serious inconvenience to the daily life of the people, or produce tremendous loss to the national economy, it is authorized to perform arbitration to effectively resolve disputes. Once a decision on mediation by the Labour Relations Commission is made, trade unions must discontinue dispute acts, and may institute an administrative suit in the courts regarding such a decision by the Labour Relations Commission.

G. Revision of the labour laws

129. Current labour laws have been widely revised. Provisions restricting the establishment of trade unions have been deleted, creating a climate for the autonomy of the labour movement pursuant to the process of overall democratization which swept the land at the end of 1987. However, workers, employers, and academics have presented a variety of their own views concerning laws unsuitable for an active labour movement. Accordingly, the Government established the Labour Law Research Committee, which is to review problems raised hitherto and promote further revisions to the labour laws.

H. Entry into the International Labour Organisation as a State member

130. Based on its economic and social capacity, the Republic of Korea finalized efforts made since 1955 to join ILO, and became a State member on 9 December 1991. The Government will avail itself of this opportunity to promote workers' rights and interests, including the ratification of conventions, based on its economic and social capacity.

Article 9: Social security system

A. Development of social security

131. The basic social welfare system in Korea was introduced in the 1960s when the social security laws were created. In the 1980s the social welfare system was expanded by the provision of medical security to cover all people, the introduction of a national pension scheme, and a legal minimum wage system. To improve the welfare of low-income people, the Government enacted a policy of livelihood protection, which includes financial assistance for operating a business, and the provision of social workers to low-income sub-districts. To improve the welfare of the aged, the disabled, and children, the Government revised its social welfare services systems to include, for example, the payment of allowances for the aged, the expansion of day-care centres for children, etc.

132. The 1990s will be a turning point in the development of the Korean social welfare system. During this period the major tasks of social welfare policy will be to expand the national pension scheme to all citizens, to provide the increased financial safety in medical insurance, to improve benefits from medical insurance, to gradually improve the livelihood protection level, to improve the social welfare delivery system, to introduce employment insurance, and to enhance the legal minimum wage system.

B. The social security system

133. The Korean Constitution prescribes that all citizens shall be entitled to life worthy of human beings, to pursue well-being and a healthy life, and to receive the protection of the Government. The Government is obligated therefore to enhance Korea's social security and social welfare systems (arts. 10, 34, and 36 of the Constitution).

134. Korea's social security system consists of three components: social insurance, public assistance, and social welfare services.

135. Social insurance is a programme for income security and medical security for people above a certain income level who are able to make insurance contributions against old age, illness, etc. Social insurance is divided according to type of employment. For example, employees of private companies, civil servants, general residents, etc.

136. Public assistance is for the low-income bracket and is composed of livelihood protection, medical aid, and educational aid. Social welfare services are composed of welfare programmes for the aged, the disabled, children, etc. Professional services are supplied by the welfare service system to meet many kinds of need.

137. The framework of Korea's social security system is already in place. Enhancement of this system is the major task facing the social security system in the future.

1. Medical insurance

138. Formerly, only a portion of the Korean people were covered by the medical insurance scheme based on the Medical Insurance Act promulgated on 16 December 1963. From 1 July 1989, except for 2,687,000 low-income people who are covered by the medical aid service, the remaining eligible population of 40,976,000 are covered by this scheme.

139. Korea's medical insurance scheme can be divided into two programmes: the employees' medical insurance programme and the self-employed medical insurance programme. The former programme covers employees of industrial establishments, government employees and private school teachers and staff. The latter programme covers self-employed persons.

140. Medical insurance benefits consist of statutory benefits and additional benefits. Statutory benefits include medical care benefits, medical care expenses, maternity benefits and maternity expenses which are granted to the insured and his or her dependants during sickness, disease and childbirth. The additional benefits consist of funeral expenses, maternity allowances and a compensatory grant based on financial capacity.

141. All insured persons, excluding dependants, contribute. The contribution for insured employees in industrial establishments ranges from 3 to 8 per cent of monthly wages. Employees and employers pay an equal portion of the amount due. Government employees pay 50 per cent of their insurance fees and the government pays the rest. Private school teachers and staff and the school board bear 50 and 30 per cent of total insurance fees respectively, and the Government pays the rest. For the self-employed insured, government subsidies cover about 50 per cent of the costs. In 1992, the Government paid about 694 billion won in subsidies to the self-employed medical insurance programme.

2. Medical aid

142. Medical aid is a programme designed for low-income people and those receiving livelihood assistance who are unable to pay medical care costs. It provides the poor with medical benefits by assisting them with such costs. Medical aid is categorized into Class I Medical Aid for persons in nursing facilities, persons designated by the Government as "human cultural assets", persons of national merit and victims of calamities; Class II Medical Aid for self-support care recipients receiving livelihood assistance; and medical assistance for low-income people not receiving livelihood assistance. 2,687,000 persons were under the protection of medical aid as of March 1992.

143. Persons under the protection of medical aid can be granted medical care services and maternity care services at designated medical facilities, usually free of charge. Beneficiaries of Class II Medical Aid and Medical Assistance share 20 per cent of the total medical care costs of hospitalization.

144. With respect to the medical aid scheme, every local government participates. In 1992, 249.3 billion won were provided for medical aid.

3. National Pension

145. The Korean pension system provides old-age income security, and consists of four schemes according to the nature of a person's occupation. The Civil Servant Pension Scheme was introduced in 1960, and was followed by the Military Personnel Pension Scheme (1963), the Private School Teachers' Pension Scheme (1975), and the National Pension Scheme.

146. The National Pension Scheme, based on the National Pension Act of 1986 (which amended the National Welfare Pension Act of 1973), was introduced in 1988. During the beginning stage of this scheme, it applied to workplaces having 10 or more employees. In 1992, the coverage was extended to workplaces having five or more employees.

147. The scheme is compulsory for all workers aged 18 to 59, working at an establishment with five or more workers (insured persons in working places). The self employed, including farmers and fishermen, who are not required to be insured may be insured voluntarily (community insured persons). The number of insured persons was 4,978,000 persons in March 1992 (4,951,000 insured persons in workplaces, 20,000 community insured persons, and 7,000 voluntarily and continuously insured persons). The National Pension Scheme is administered by the National Pension Management Corporation under the general supervision of the Minister of Health and Social Affairs.

148. There are four types of benefits under the National Pension Scheme: old-age pensions, invalidity pensions, survivors pensions and lump sum refunds. An old-age pension is paid to those who reach the age of 60 and have been insured for 20 years or longer. A lump-sum refund is paid upon request to disqualified contributors whose contribution periods are shorter than 15 years, the minimum qualifying period for receiving an old age pension. When a person becomes disabled due to sickness or injury, an invalidity pension is paid to insured persons with a minimum of one year of contributions. When pensioners or contributors with a minimum of one year of contributions die, a survivor's pension is paid to their dependants. The scheme is financed by equal monthly contributions from employers and employees.

149. Coverage will be extended to farmers and fishermen in rural areas during the Seventh Five-Year Economic and Social Development Planning period (1992-1996), and to the self-employed in urban areas during the early part of the coming decade.

4. Pension schemes for employees in specific occupations

(a) Civil servants pension scheme

150. The civil servants pension scheme, based on the Civil Servants Pension Act (enacted on 1 January 1960), was introduced in 1960. The scheme covers national and local civil servants. The number of insured persons was 914,000 as of December 1991. The benefits under the scheme are classified as either short-term or long-term. Short-term benefits are subdivided into cash benefits for medical care stemming from work-related injuries and illnesses, and lump-sum benefits for compensation for disaster, or death. Long-term benefits are subdivided into retirement benefits, invalidity benefits, survivor's benefits and retirement allowances. The scheme is financed by a contribution based on 1.1 per cent of monthly remuneration, shared equally by employers (central or local government) and employees. The civil servants pension scheme is administered by the Civil Servants Pension Corporation under the general supervision of the Minister of Administration.

(b) Private school teachers pension scheme

151. The private school teachers pension scheme, based on the Private School Teachers Pension Act (enacted in 20 December 1973), was introduced in 1975. The scheme covers all teachers and employees of private schools. The number of covered persons was 159,000 in January 1992. The scheme is administered by the Private School Teachers Pension Corporation under the general supervision of the Minister of Education.

(c) Military personnel pension scheme

152. The Military Personnel Pension Scheme is based on the Military Personnel Pension Act (enacted on 28 January 1963). This scheme covers professional soldiers, including officers and non-commissioned officers, with long-term service. The number of beneficiaries was 41,000 in December 1991. The insured is entitled to a monthly pension or supplementary benefits. There are three types of monthly pensions: retirement pensions, invalidity pensions, and survivor's pensions. Supplementary benefits include retirement allowances, disabled bonuses, etc. The scheme is financed by a contribution, based on 1.1 per cent of monthly remuneration, shared equally by employers (the Government) and employees. The scheme is administered directly by the Government (Minister of National Defence).

5. Public assistance

153. The Livelihood Assistance Act (1961) was enacted to guarantee the minimum standard of living for those who have little or no capability of earning a minimum living.

154. The criteria for the selection of livelihood assistance recipients are: monthly per capita family income of less than 80,000 won to 120,000 won, and household property of a value of less than 10 million won. In 1992, there were 2,176,000 livelihood assistance recipients. Recipients receive monthly livelihood aid expenses such as food costs. Entrance fees and tuition are paid so that these dependants may attend middle school or high school. Medical care is offered to the recipients in the event of accident or disease. Funeral aid is also provided.

155. For recipients who are capable of work, vocational training and financial assistance for operating a business are provided. These programmes are financed by the national and provincial governments.

156. In addition, the Government supports the total cost of medical expenses for low-income disabled persons who receive medical services, and grants money to purchase and repair wheel chairs, prostheses, braces, white canes, etc. Also, the Government gives 20,000 won a month to about 10,000 persons with severe and complex disabilities who cannot lead their daily lives without help from others.

157. The Government provides allowances for low-income aged persons. It also supports education and provides aid for families headed by mothers. In the near future the Government is planning to expand the scope of these programmes and to enhance the level of support.

Contents of aid programmes

(As of 1992)

Aid	Contents	Category		
		Institutional Care	Home Care	Self-Support Care
Livelihood aid	Rice	456 g (person per day)	10 kg (person per month)	
	Barley	114 g (person per day	2.5 kg (person per month)	
	Subsidiary food cost	600 won (person per day)	600 won (householder per day)	
			400 won (each family member per day)	
	Fuel cost	50 won (person per day)	513 won (household per day)	
	Clothing expenses	47 420 won (person per year)		
Funeral aid	Funeral cost	200 000 won (per corpse)	200 000 won (per corpse)	
Educational aid	Entrance fee and tuition for middle school or vocational high school students	Total amount of fee and tuition	Total amount of fee and tuition	Total amount of fee and tuition
	Daily-job programme	-	-	Wages: 12 000 won (person per day)
Self-support	Financial assistance for operating a business	-	-	Total financial aid resources: 28 billion won Assistance limit: 5 million won Yearly interest 6% Repayment period: Repayment in 5 years with 5 years' grace period
	Vocational training	Training allowance Cost of living for family Job preparation expenses Meal Costs Training preparation expenses		20 000 won 30 000 won 50 000 won 30 000 won 20 000 won

6. Industrial accident compensation insurance

158. The responsibility of employers to compensate employees who suffer injury, disease or death in the course of performing their duties is laid down in the Labour Standards Act. The liability of employers was increased under the Industrial Accident Compensation Insurance Act, enacted on 5 November 1963. In accordance with this Act, the Government collects premiums from employers and provides quick and fair compensation in the event of accidents. This system not only protects employees and their families from sudden industrial accidents, but also disperses the burden of compensation for employers.

159. The Industrial Accident Compensation Insurance Act applies to all businesses and workplaces governed by the Labour Standards Act, except as otherwise provided by Presidential Decree. As of the end of 1991, 7,923,000 workers in workplaces with five workers or more were covered by the Act. Since the Ministry of Labour collects premiums from the employer to cover insurance expenses, there is no obligation for workers to contribute to this insurance system. The Government assists by providing part of the expenses necessary to administer this system.

160. Insurance benefits are classified as: medical care benefits, temporary incapacity benefits, disability benefits, survivors' benefits, injury-disease compensation annuities, funeral benefits, and special disability benefits. In addition, the Korean Labour Welfare Corporation, established in 1977, operates medical and rehabilitation facilities to provide treatment and promote rehabilitation for injured employees. In addition, there is a scholarship programme for the children of victims of industrial accidents, and a loan system for livelihood resettlement to further employees' welfare.

161. The purpose of the scholarship programme is to give equal educational opportunity to the children of survivors or severely disabled employees who have lost income due to industrial accidents. During 1991, scholarships worth 1,100 million won were paid to 2,856 children of victims of industrial accidents.

162. Since 1987, the livelihood resettlement loan system has been made available to severely disabled employees or the families of deceased employees for their living needs and rehabilitation. During the year 1991, 2,198 million won were loaned to 290 severely disabled individuals and the families of deceased employees.

C. Social security budget

163. The Korean Government's social security budget has increased from 2.4 per cent of the government's budget or 0.4 per cent of the GNP in 1981 to 6.4 per cent of the budget or 1.0 per cent of GNP in 1991. The Government's social security budget for 1991 was 1,995,858 million won. The rapid increase in the social security budget over the past 10 years is due to the expansion of social security services, including the introduction of the national pension scheme in 1988, the expansion of medical insurance to the entire nation in 1989, and the implementation and expansion of the other programmes already discussed above.

D. Non-governmental welfare system

164. In addition to the public social security system, Korea has a non-governmental welfare system. There are 20 domestic life insurance companies, 5 foreign life insurance companies, and 6 joint life insurance companies providing insurance services to subscribers.

165. The private welfare system is composed of subscribers. This system plays a complementary role to the public social security system. If a subscriber is entitled to receive public insurance, he is also permitted to subscribe to a private insurance system, provided he has sufficient means.

166. In addition to private insurance, the Fund for Social Welfare provides another non-governmentally funded form of insurance. This system is rooted in the Korean tradition of mutual help and interdependence and it is funded by contributions from civilians, without governmental donations. The Fund for Social Welfare effectively serves to promote the participation of citizens in social work and social causes.

167. The Fund's reserves were 26.9 billion won in 1991. This system is now operated pursuant to the Act on the Fund for the Social Welfare Service (31 December 1980). This Fund supports social work, including the expansion of social welfare facilities, medical costs and welfare services for the needy. In 1991, the Fund donated 3,803 million won.

E. Social security expansion plans

168. All Koreans in Korea are now covered by medical insurance and medical aid. The Government now plans to improve the medical insurance finance system to ensure its stability. With respect to the national pension scheme, all citizens between 18 and 59 years of age residing in Korea are entitled to participate in this programme. However, compulsory coverage only extends to workplaces with five or more employees. The Government plans to extend the application of the programme to cover farmers and fishermen by 1996, and to cover all citizens by the early part of the next decade. The Government also plans to introduce employment insurance by 1996.

169. It can be said that people of all means and every age are now protected by Korea's social welfare programmes. By the end of 1992 the amount of protection per person in the low-income bracket was between 49,000 and 55,000 won. This is a twofold increase over five years. The Government plans to continue to increase the level of livelihood protection gradually between 1992 and 1996. With respect to programmes for the aged, the disabled, and children, the Government plans to increase the number of social welfare facilities, to raise the family welfare allowance, and to improve family welfare services programmes. Also, in order to improve the social welfare delivery system, the government plans to establish and operate social welfare offices at the local government level (district, city and county).

F. International cooperation

170. To promote social security and to realize the right to social security, Korea has carried out efforts for the exchange of experience and information

with various international organizations, including the World Health Organization (WHO) and the International Social Security Association (ISSA).

171. Korea joined WHO on 17 August 1949. The thirty-second WHO Regional Committee Meeting for the Western Pacific was held at Seoul in 1981.

172. Three Korean organizations (the National Federation of Medical Insurance, the Korea Medical Insurance Corporation and the National Pension Corporation) take part in ISSA as regular members, and two organizations (the Korea Development Institute, and the Korea Welfare Policy Research Centre) as associate members. The above-mentioned organizations exchange experience and information by participating in conferences held two or three times yearly. The ISSA regional conferences for Asia and for the Asia-Pacific were held in Korea in 1983 and 1988 respectively.

Article 10: The protection of women, children and the family

A. Concept of family

173. It is prescribed in article 779 of the Civil Law of the Republic of Korea that "family" consists of a householder, spouse and blood relations (lineal ascendants and lineal descendants, brothers and sisters, lineal descendants of brothers and sisters, brothers and sisters of lineal ascendants, and lineal descendants of brothers and sisters of lineal ascendants) and their spouses. The concept of family in Korean society is that it is not only a nest, but also the training centre for the socialization of children wherein the private personality is formed, possessing the culture of each family and its characteristics. Further, a family maintains the society through its work.

174. The family system of the Republic of Korea used to have the special traits of the feudal oriental family system. It centred around the traditional head of the family. Eventually there was a switch to the democratic family system centring around the couple and children. This was due to industrialization, urbanization, improvement of the educational standard, and women's employment. However, the mutually helpful customs of the former family system continue, and brothers who set up a separate family are closely united with the family circle.

B. Minimum age for participation in social activity

175. In Korea, a minor under 13 years of age cannot be employed in any work. Young people under 18 years of age are prohibited from employment in 51 kinds of jobs classified as unhealthy or morally dangerous, and they are limited to 42 hours work per week.

C. Marriage and the protection of women's rights

176. The Constitution of the Republic of Korea prescribes that,

> (1) "Marriage and family life shall be entered into and sustained on the basis of individual dignity and equality of the sexes, and the State shall do everything in its power to achieve that goal. (2) The State shall endeavour to protect mothers." (art. 36, paras. 1-2).

The Government is thus committed to maintain a democratic family system in accordance with the free will of the sexes. However, the traditional patriarchal family system still partially remains. Therefore, the struggle against it is continuing.

177. The section of the Civil Code concerning family and domestic relations, which permitted discrimination against women, was amended on 1 January 1991. The law requires that a married couple's place of residence be chosen by agreement, that parental rights over children be exercised equally, and that property be divided equally in the case of divorce.

178. The Equal Employment Opportunity Act was enacted on 4 December 1987 to provide equal rights for women in employment, and child-care leave. Under this Act, a vocational training centre is operated to train women, and during 1991, approximately 2,400 women were trained at this centre.

179. In 1988, the Ministry of Political Affairs II was established and a female minister appointed to deal with women's affairs in general at the ministerial level. Family welfare bureaux with female director-generals were established in all provinces in 1988 to deal with women's welfare issues at the local level. Local level bureaux deal with counselling projects for family assistance to low-income mother-headed families, cultural programmes, family planning, programmes to better female living standards, support for the activities of women's organizations, etc.

180. A nursery service is provided for employed mothers in work places and industrial sites in accordance with the Nursery Law for Babies and Infants. An earned income income tax exemption of 540,000 won yearly is granted to women householders.

D. Family welfare policy

181. A family welfare policy exists for children, women, the aged, and the disabled. The purpose of the family welfare policy is to strengthen family security gradually by requiring families to share a reasonable financial burden while preventing deficiencies from occurring at the family level.

1. Welfare for the aged

182. Life expectancy has been extended owing to continuous economic growth and improvements to the living environment in Korea. The aged population also has gradually increased. In 1992, 5.2 per cent of the total population, or 2,283,402 people, were 65 or older. This increase in population has not caused a social problem owing to improved social programmes (the Aged Welfare Act) and Korea's traditional respect for the aged.

183. To promote respect for the aged, Korea has designated the week of 8 May as the "Week of respect for the aged". The Government has also implemented a special discount for the aged when they use public transportation or visit public museums and ancient palaces.

184. The Government gives various tax benefits to families living with an aged member. Families living with an aged member 60 years old or more (55 years old for women) receive annual tax deductions of 480,000 won. An additional 480,000 won deduction is provided for families living with an aged member 65 or older (Income Tax Law, arts. 65 and 66, clause 4). Householders supporting an aged member receive an inheritance tax deduction of up to 30 million won. An additional deduction of 90 per cent of the total value of a house is provided for a house that has been inherited by a family for three generations or more and to householders supporting parents for five years or more. (Law of Succession, art. 11, clause 2.)

185. Based on article 9 of the Aged Welfare Act, the Government has been implementing a programme of annual free health examinations to promote health for the aged: 1,622,000 aged Koreans received free examinations between 1983 and 1991. In 1992, the Government appropriated 1,067 million won to provide free health examinations for 150,000 persons. In addition, the Government is establishing and operating elderly welfare facilities and home help services for the aged at home, as well as restaurants for the aged.

186. In order to secure income for the aged, the Government provides the helpless aged who are 70 or older (total of 191,000 persons) an allowance of 10,000 won per month. The Government also operates a resource bank for the aged to counsel and arrange jobs for the aged. Group workshops for the aged are also operated to provide incomes for the aged.

187. There are 72 free nursing homes, 19 free sanatoriums and 15 inexpensive nursing homes and sanatoriums that accommodate 6,800 aged persons. The Government covers all the expenses of the free nursing homes and sanatoriums and is adding four to five elderly welfare facilities annually.

2. Women's welfare

188. Women's welfare projects are implemented under the Mother-Child Welfare Act (1 April 1989) and the Prostitution Prevention Act (6 November 1961). These projects consist mostly of a counselling project to prevent poverty, a protection project for mother-child welfare facilities, a vocational training project for the needy, and a project for the protection of social rights, the advancement of women's status and the elimination of discrimination against women. As of 1992, there were 21,684,000 females in Korea, of whom the needy, including females heading families amounted to about 80,000.

189. There are 29 women's counselling centres and 93 women's counselling cabins where women's welfare counsellors are acting to reintegrate low-income or unmarried mothers into society. During 1991, there was a total of 367,592 consultations.

190. Thirty-eight mother-child welfare facilities serve low-income mother-headed families: 2,900 women are protected in these facilities. Twenty-two women's vocational centres also exist to serve low-income women, runaway women, unmarried mothers and abandoned women. During 1991, the Government spent 2,304 million won on mother-child welfare facilities and 2,125 million won was provided to women's vocational centres.

During 1992, 2,505 million won will be spent on mother-child welfare facilities and 2,210 million won on women's vocational centres.

191. On 1 April 1989, the Mother-Child Welfare Act was enacted to provide comprehensive support for families headed by mothers owing to death, divorce or abandonment. These families are guaranteed minimum living expenses, expenses for education and job training, as well as loans to achieve self-reliance.

192. Other programmes also exist for women, including guidance projects (cultural programmes, family planning projects, programmes for the betterment of living, increase of savings and income), a marriage programme for unwed couples, and support projects for 71 women's organizations. Guidance projects for women are implemented by Saemaeul (the New Village Movement) women's groups. As of June 1991, the number of Saemaeul women's groups was about 82,000, with 2,936,000 members. Other women's organizations are active in vocational training, etiquette education, child care, counselling, consumer protection, cultural education, public service, and international exchange.

3. Disability welfare programmes

193. The handicapped population in Korea is approximately 956,000 people. State welfare programmes for disabled persons were first implemented in 1981, the International Year of Disabled Persons. Since 1988, a comprehensive plan emphasizing the removal of prejudice has been implemented. This programme received impetus from the 1988 Seoul Paraolympics. The object of welfare programmes for the handicapped is to secure their full participation and equality. Programmes concentrate on care of the handicapped who are not able to earn a living, the provision of rehabilitation facilities, the elimination of prejudice and social restraints, and the improvement of general living conditions.

194. Korea trains rehabilitation personnel, including doctors, provides financial support to manage rehabilitation centres, and provides equipment and aids to the handicapped. Korea also offers vocational training at rehabilitation facilities and comprehensive welfare centres, provides placement services, manages facilities for the home-bound handicapped, and offers errand services for the blind. Facilities for the handicapped include rehabilitation facilities and nursing care facilities. In 1991, 13,000 handicapped persons received various services in 165 facilities.

195. The Government has taken many steps to provide income security for the handicapped. Vending machines and shops in public buildings are often managed by the handicapped. In addition, special reduced rates apply for inheritance and income taxes, customs duty for articles for the handicapped, consumption taxes, education taxes, automobile taxes, and telephone charges.

196. To permit the full participation of the handicapped in society, laws requiring better access for the handicapped are in place. Buildings, parks and phones are being made accessible to the handicapped, and street crossings are being made less dangerous for them. In 1988, 38 laws were identified as prohibiting the participation of the handicapped in society. Thirty-two laws have already been amended, and the remaining six others are to be amended.

E. The protection of pregnant women

197. Among the laws in place for the protection of pregnant women are the Maternal and Child Health Law (8 February 1973), Medical Protection Law (31 December 1977), Medical Insurance Law (revised 22 December 1976) and the Labour Standard Act (10 May 1953).

198. In 1991, a total of 84,000 pregnant women registered for care at public health centres and maternal and child health centres, and were provided with seven or more medical examinations from the beginning of pregnancy to delivery under the Maternal and Child Health Law. Health check-up services, including anaemia and urine tests, were provided to 40,000 pregnant women; 32,000 anaemic pregnant women were given medicine. Women with medical problems were referred to 11 comprehensive maternal and child health centres or designated medical institutions for closer examination. Low-income women were provided with a delivery allowance and registered care service before and after pregnancy.

199. A 1989 analysis of the utilization rate of medical institutions by pregnant women shows that an examination before delivery reached 93.3 per cent in urban areas and 88 per cent in rural areas, and the percentage of safe deliveries was 98.3 in urban areas and 81.5 in rural areas. In addition, post-delivery care was provided within one week of delivery with respect to examination for abnormalities. Congenital abnormal metabolism tests for six kinds of abnormalities including congenital depressed functioning of thyroid gland, were conducted on 30,000 newborn babies from low-income families at a cost to the Government of 290,000,000 won. Identified patients were cared for free of charge by the Government.

200. According to article 60 of the Labour Standard Act, pregnant workers are provided with 60 days of paid leave before and after delivery. In particular, more than 30 days of post-delivery leave should be secured for the physical health of the mother and the growth of the infant. Maternity leave covers normal delivery, as well as miscarriage, stillbirths and premature births.

F. Protective policy for children and juveniles

1. Child welfare measures

201. Child welfare services in Korea originated in institutional child care for children orphaned owing to the Korean War. Gradually, services have been extended to meet the needs of all children, including needy children. Based upon article 8 of the Child Welfare Law, provinces, cities, counties and social welfare agencies have operated child guidance clinics since 1 January 1965. As of 31 March 1992, there were 50 child guidance clinics. By the year 2000, the Government will establish at least one more public child guidance clinic in each city and county throughout the country. The Child Finding Centre has also been established to locate abandoned and missing children.

202. As of 31 December 1991, there were 13,985 children in 6,902 needy families where the head of the household was under 20, normally as a result of the death of both parents. All eligible child-headed families receive public

assistance services, such as livelihood care, medical care and educational care. By protecting and securing daily needs and schooling for those needy children, the Government hopes to keep them from juvenile delinquency. Needy child-headed families receive additional financial support from the Government for clothing, nutritive meals, school supplies and transportation. Local sponsorship programmes for needy children encourage maturity and emotional stability. Domestic adoption programmes and foster family programmes are also available.

203. Local sponsorship programmes which provide both financial and emotional support have been strengthened to assure children are brought up soundly. There are two types of child-care projects: residential projects like children's homes, babies' homes, etc. and facilities for children such as child welfare centres. As of 31 December 1991, there were 22,327 children in 279 residential child-care institutions.

204. The Children's Charter was established in 1957 and was revised on 5 May 1988 to meet the needs of changing times. 5 May is Children's Day and various celebrations are held to enhance the love and protection of children.

205. The Nursery Law for Babies and Infants was enacted on 14 January 1991. It provides for nursery services to pre-school children under six years old who cannot be well cared for by their guardian due to work, disease or other reasons. By 1991, the number of nursery institutions was 3,670, including private nursery institutions. The nursery service is supplied to 89,441 babies and infants.

2. Measures for juvenile protection

206. There are approximately 13,636,000 juveniles between the ages of 9 and 24 (7,032,000 males and 6,604,000 females). This figure is 31 per cent of the total population.

207. The Youth Development Act was enacted on 28 November 1987 for youth protection and development, and was completely revised on 31 December 1991 when it was renamed the Youth Basic Act. This Act became effective on 1 January 1993.

208. The Government has established the Basic Plan for the Youth of Korea (1992-2001). The plan provides that:

(a) In order to improve various lives, it will develop and disseminate training materials (programmes and projects), expand training spaces (national grounds, facilities), train youth leaders, and strengthen youth organizations.

(b) In order to promote youth welfare it will reform the social environment and support youth in need of public assistance.

(c) In order to widen the horizons of youth, it will expand national and international youth exchange programmes.

(d) In order to support youth policies it will spend 2,483.6 billion won over the next 10 years.

209. Other measures are being taken for juvenile protection. School surroundings are being cleaned up and prohibitions on pollution are in place (School Health Law, art. 6). For the prevention of narcotic or medicine abuse, annual education programmes for juveniles and teachers are being conducted. Surveys on the misuse and abuse of narcotics and medicines are also carried out every five years.

3. Protective policy for working youths

210. It is stipulated in the Constitution of the Republic of Korea that "working children" and "working women" shall be accorded "special protection" (art. 32). Article 50 of the Labour Standards Act prescribes that a minor under 13 years of age shall not be employed in any work, except for those who have an employment certificate issued by the Minister of Labour.

211. An employment certificate shall be issued only in cases where an occupation does not impede compulsory education. Neither females nor minors under 18 years of age shall be authorized to engage in any work detrimental to morality or harmful to health. The prohibited kinds of work are set out in article 43 of the Presidential Decree of the above-mentioned Act. An employer shall keep in each workplace a copy of the family register testifying to the minor employee's age, as well as written approval by the employee's parents or guardian.

212. As of 1990, the total number of employed youth 18 years or under was 57,610 persons or 1 per cent of employees in all industries. 55,931 (97.1 per cent) youths were employed in manufacturing; 596 (1.0 per cent) in social and individual services; 255 (0.5 per cent) in transportation, warehousing and communication; 191 (0.3 per cent) in wholesale and retail trade, the food and lodging business; 40 (0.1 per cent) in construction; 22 in mining; 4 in the electricity, gas and water industries; and 2 in agriculture, hunting and fishing.

213. The work hours of minors between 13 and 18 years of age shall not exceed 7 hours a day and 42 hours a week. Minors under 18 years of age shall not be authorized to work between 10 p.m. and 6 a.m. or on holidays, unless there is consent from the worker and approval by the Minister of Labour (art. 56).

214. Because a youth is less mature physically and mentally than an adult, and is less skilled, extraordinary protection of a youth's safety and health is necessary. The Labour Standards Act clearly provides that an employer must not accept a youth under 18 for employment in dangerous or harmful work based on an assessment of morality and health. Youth are also not permitted to be employed in mine shafts (art. 58). An employer is in charge of the necessary costs for a youth to return home within 14 days of being fired (art. 62).

215. The Labour Standards Act provides that a man who employs 30 youths under 18 must set up educational facilities for these youths or provide them with scholarships. In order to expand opportunities for formal education, to

settle educational differences between national classes, and to restore enterprise profits to the society, in accordance with the Act, many employers have established special industrial classes and attendant schools, and are managing them.

216. With a view to improving the bad dwelling environment of low-income youth workers, saving, living expenses, contributing to stable living conditions and increasing real wages, the Government is establishing and managing rental apartments for young unmarried female workers. The Government is promoting the establishment of 8,763 rental apartments in 84 regions: 5,287 buildings have already been completed, and the rest are being built.

217. In order to provide opportunities for social education and recreation in the main industrial regions and regions crowded with youth labourers, the Government has built and manages centres for youth workers. These halls include educational institutions, welfare institutions, sports institutions, and related institutions. In the hall, culture, education, literature, art activities, special courses, counselling and social welfare programmes take place or are housed. Nineteen such halls for youth labourers are at present being managed by the Government.

218. To support creative activities and to provide an opportunity for the further cultural education of young workers, every year the Government holds a festival of culture and art in the fields of literature, music and the theatre.

Article 11. Right to an adequate standard of living

A. Standard of living

219. Korea has achieved its level of economic development within a short time after the ruin caused by the Korean War. Because changes in Korea's economic systems are accompanied by improvements in the standard of living, improvements are not limited to specific social strata, and hence apply to all the population.

220. Per capita national income has increased 3.7 times in 10 years, from 1,734 dollars in 1981 to 6,498 dollars in 1991 due to real economic growth of an average 10 per cent annually during that period. The distribution of wealth has improved gradually. The percentage of national income possessed by 40 per cent of the people in the lower income brackets increased from 16.1 per cent in 1980, to 19.7 per cent in 1988, in part due to the progressive taxation system and the social security system.

The trend in distribution of wealth

(Unit: per cent)

National income possessed	Year		
	1980	1985	1988
By upper 20 per cent	45.4	42.7	42.2
By lower 40 per cent	16.1	18.9	19.7
Gini index	0.389	0.345	0.336

221. The average monthly income of workers has greatly increased from 212,500 won in 1981 to 751,500 won in 1991. The percentage of workers' earned income out of total national income has increased from 51.6 per cent in 1981 to 60.3 per cent in 1991.

Workers' earned income

Item	Year		
	1981	1986	1991 (estimated)
Average monthly income in all industries (thousands of won)	212.5	351.0	751.5
Distribution of wealth by workers' earned income (per cent)	51.6	51.9	60.3
Average monthly income of urban wage earner (thousands of won)	281.0	473.6	943.3

222. The daily protein intake is one of the prominent indexes of nutritional status. This index is steadily increasing. It stood at 67.2 g in 1980, 74.5g in 1985 and 83.6 g in 1989. The 1989 figures are 19.9 g higher than the recommended protein intake of 63.7 g. This shows an improvement in national nutrition.

223. With respect to medical conditions, the number of medical facilities has doubled from 11,781 in 1980 to 21,701 in 1990.

224. In 1989, medical insurance coverage was expanded to the rural population. As of 1989, the whole nation was insured. The average life span has increased from 65.8 years in 1980 to 71.3 years in 1990.

225. The housing rate has also increased slightly from 71.2 per cent in 1980 to 72.1 per cent in 1990. Taking into account the increase in the number of households due to urbanization and the trend toward nuclear families, this rate of increase is not necessarily little.

226. The index for measurements of community safety, i.e. the number of criminal offences, is also showing a decrease from 800 per thousand in 1980, to 66[illegible] in 1985, and 560 in 1990.

227. In Korea, the Constitution guarantees the opportunity of lifelong education. In an effort to achieve this educational goal, the percentage of nursery attendance has reached 52.4, the percentage of senior high school attendance is 87.7 and the percentage of higher education beyond the junior college level is 38.1.

228. In terms of common amenities, the number of telephones per 100 persons has increased from 7.1 in 1980, to 16.0 in 1985, and to 31.0 in 1990. The supply rate of piped water has increased from 54.6 per cent in 1980 to 67.2 in 1985 and to 78.4 in 1990. Clean water is now supplied to over 88.1 per cent of the population. The number of private cars owned has increased from 249,000 in 1980 to 557,000 in 1985 and to 2,075,000 in 1990 - an eightfold increase. Television sets have found their way into 99.1 per cent of households.

Per capita GNP of the poor and the poverty line

229. The per capita GNP of the poorest 40 per cent of the population was estimated at about $3,200 in 1991. The concept of the poverty line is not firmly established in Korea. However, the cut-off for the selection of public assistance recipients is officially regarded as the poverty line.

Criteria for the selection of recipients of public assistance in 1992

Category	Income (/person, month)	Property (/household)
Home care recipient	Less than 80,000 won	Less than 10 million won
Self-support care recipient	Less than 100,000 won	Less than 10 million won
Medical assistance	Less than 120,000 won	Less than 10 million won

230. The number of recipients of public assistance fell from 2,310,000 in 1988 to 2,176,000 in 1992.

Public assistance trends - recipients

(Unit: 1,000 persons)

Category	1988	1989	1990	1991	1992
Total	2 310	2 353	2 256	2 246	2 176
Institutional care	75	79	81	82	83
Home care	318	341	340	338	338
Self-support care	1 917	1 933	1 835	1 826	1 755

B. The right to sufficient food

1. Food quality standards

231. The right to sufficient food is secured by laws, including the Food Sanitation Act (20 January 1962), the Public Assistance Act (10 December 1961), the School Feeding Act (29 January 1981), and the Nutrition Improvement Ordinance (14 August 1969).

232. Pursuant to the Food Sanitation Act, measures are enacted for quality control and the improvement of food sanitation standards. Standards and specifications for food and food additives are established. Tolerance standards are established and managed for residual agricultural chemicals, heavy metals in marine products, radioactive contaminants, residual aflatoxin, antibiotics in products from livestock, and other contaminants.

233. The laws provide that dietitians should be hired in mass feeding places, including private companies and schools. To provide quality food, sanitary education is carried out for workers in food production companies and restaurants. To keep unsanitary and harmful food off the market, the food industry and restaurants are subject to guidelines and controls.

234. To promote sanitation, nutritional quality, and the palatability of food, the Government encourages industries to carry out voluntary and self-regulating quality controls. Organizations which are involved in food quality controls are systematically supported economically and legally by the Government. Also, these organizations receive guidance and are regulated by the Government.

235. Organizations established by the Food Sanitation Act (arts. 44 and 54) are the Korea Food Industry Association and 19 other various associations. There is also a non-governmental organization, the Korea Advanced Food Research Institute, which is conducting research and analysis to improve food quality.

236. The Korea Food Industry Association and the trade associations provide education and guidance to improve food quality. The Korea Advanced Food Research Institute does research and testing, as well as providing technical assistance to improve food quality.

237. To monitor the nutritional status of Koreans, the National Nutrition Survey has been undertaken every year since 1969, pursuant to the Sanitation Act and the Nutrition Improvement Ordinance. These surveys provide information about food intake, nutrient intake, and nutritional status.

2. Sources for food-related information

238. Food related information comes from the Ministry of Health and Social Affairs (MOHSA), affiliated organizations, local government in cities, provinces, districts and counties, and non-governmental organizations and individuals. Information from MOHSA and affiliated organizations includes the results of the National Nutrition Survey, reports from quarantine offices, and special studies from other organizations. Information from local government is based on food examinations and reports on food sanitation. Information from non-governmental organizations is based on food industry surveys and complaints about harmful and unsanitary food. It is planned that resident officers will be sent to the United States and Europe to collect information about imported foods, as this segment of the market is rapidly increasing.

239. Consumer protection centres will be set up in cities, provinces, counties and districts to accumulate data about harmful and unsanitary foods. These centres will gather information directly from consumers, or send officers to make sanitary inspections of food industries, mass feeding places and restaurants. The following are the results of sanitary inspections for recent years.

Results of sanitary inspections

(Unit: number of cases)

		Year		
		1986	1988	1990
Product	Total	22 907	24 866	29 295
Examination (per cent)	Disqualification	512 (2.3)	675 (2.6)	475 (1.6)
Facility	Total	520 488	447 925	4 786 934
Examination	Disqualification	114 905 (22.1)	79 616 (17.8)	125 266 (2.6)

The facilities of many food manufacturing companies have improved, and the quality of foods has also improved sharply. Safe and nutritious foods are being supplied at the highest rate ever in Korea.

3. Nutritional status

240. According to the National Nutrition Survey, there are few cases of starvation or clear nutritional deficiencies in Korea. But it is suspected that there are some cases of overnutrition and marginal nutritional deficiencies. To improve on the current situation, Korean dietary guidelines were established in 1990. The dietary guidelines provide for balanced diets, low sodium intake, and regular meals. To improve dietary habits, public education programmes are being emphasized.

241. Korea's National Nutrition Survey consists of a sample of 2,000 households in 100 areas. The purpose of the survey is to assess the health and nutritional status of Koreans in order to establish nutritional requirements, devise proper measures for improving health, and improve overall nutrition. The survey consists of an assessment of food and nutrient intake, and a health examination.

Annual change in nutrient intake

(Nationwide per capita per day)

Nutrient/year		1980	1988	1989
Energy	(Kcal)	2 052	1 935	1 871
Protein (animal)	(g)	67.2 (19.3)	91.6 (45.2)	83.6 (38.0)
Lipid	(g)	21.8	30.0	27.9
Carbohydrate	(g)	396	329.5	323.1
Calcium	(mg)	598	495.3	497.9
Iron	(mg)	13.5	22.2	22.2
Vitamin A	(IU)	1 688	1 377	1 656.5
Thiamin	(mg)	1.13	1.19	1.15
Riboflavin	(mg)	1.08	1.20	1.18
Niacin	(mg)	19.1	20.9	19.5
Ascorbic acid	(mg)	87.9	76.2	65.8
Percentage of energy from cereal (per cent)		77.4	67.1	66.5
Percentage of protein from animal source (per cent)		28.7	49.4	45.5

The proportion of nutrient intake to the nutrient allowance (1989)

(Nationwide, per capita, per day)

Nutrient	Energy (kcal)	Protein (g)	Calcium (mg)	Iron (mg)	Vitamin A (IU)	Thiamin (mg)	Riboflavin (mg)	Niacin (mg)	Ascorbic acid (mg)
Allowance	2 500	70	600	10	2 300	1.25	1.5	16.5	55
intake	2 188	91.8	457	15.6	1 799.5	1.24	1.27	22.0	65.5
Proportion	87.5	131.2	76.2	156.7	77.2	99.3	85.0	133.5	119.7

Nutrient intake by area (1989)

(Per capita, per day)

Nutrient	Nationwide	Urban			Rural
		Urban average	Large city	Small city	
Energy (kcal)	1 871	1 877	1 850	1 934	1 858
Protein (g)	83.6	87.0	86.6	87.8	76.2
(animal) (g)	38.0	41.9	42.5	40.3	30.0
Lipid (g)	27.9	30.1	30.5	29.1	23.1
(animal) (g)	10.5	12.1	12.5	11.2	7.0
Carbohydrate (g)	323.1	317.1	310.1	331.4	336.0

242. For nutritional risk groups, like the elderly, health examinations are done every year. Infant health records are kept in local community health centres. From these surveys and records, problems are assessed.

4. Nutritional standards

243. To assess whether efforts to feed the population are sufficient, the Recommended Dietary Allowance for Koreans is established and revised every five years.

Recommended daily dietary allowances for Koreans, revised 1989 a/

Category	Age (years)	Weight (kg)	Height (cm)	Energy (kcal)	Protein (g)	Vitamin A R.E. b/
Infants	0-3 mo.	5.5	58.5	800	25	350
	4-6 mo.	8.4	67.5	900	25	350
	7-9 mo.	9.5	76.0	1 000	30	350
	10-12 mo.	10.4	79.0	1 100	30	350
Children	1-3	12.6	87.0	1 200	35	350
	4-6	19.0	110.0	1 500	40	400
	7-9	26.0	130.0	1 800	50	500
Males	10-12	36.0	144.0	2 100	60	600
	13-15	51.0	161.0	2 600	80	700
	16-19	59.0	169.0	2 500	75	700
	20-29	64.0	170.5	2 500	70	700
	30-49	65.0	168.5	2 500	70	700
	50-64	63.0	168.0	2 200	70	700
	65+	61.0	167.0	1 900	70	700
Females	10-12	37.0	145.0	2 000	60	600
	13-15	48.0	155.0	2 300	65	700
	16-19	52.0	158.0	2 200	60	700
	20-29	52.5	159.5	2 000	60	700
	30-49	55.0	158.0	2 000	60	700
	50-64	54.0	156.0	1 900	60	700
	65+	53.0	156.0	1 600	60	700
Pregnancy - First half				+150	+30	+0
Later half				+350	+30	+ 100
Lactation				+700	+30	+300

a/ The allowances for energy are based on individuals of moderate activity. Data in this table are intended to provide only a standard figure under environment and given conditions.

b/ R.E.: Retinol Equivalent 1R.E.=1 μg Retinol=6 μβ-Carotene.

Category	Age	Vitamin B1 (mg)	Vitamin B2 (mg)	Niacin (mg)	Vitamin C (mg)	Vitamin D (µg) c/	Calcium (mg)
Infants	0-3	0.40	0.48	6.4	35	10	400
	4-6	0.45	0.54	7.2	35	10	400
	7-9	0.50	0.60	8.0	35	10	400
	10-12	0.55	0.66	8.0	35	10	400
Children	1-3	0.60	0.72	8.0	40	10	500
	4-6	0.75	0.90	10.0	40	10	600
	7-9	0.90	1.08	12.0	40	10	700
Males	10-12	1.05	1.26	14.0	50	10	800
	13-15	1.30	1.56	17.0	50	10	800
	16-19	1.25	1.50	16.5	55	10	800
	20-29	1.25	1.50	16.5	55	5	600
	30-49	1.25	1.50	16.5	55	5	600
	50-64	1.10	1.32	14.5	55	5	600
	65+	1.00	1.20	13.0	55	5	600
Females	10-12	1.00	1.20	13.0	50	10	800
	13-15	1.15	1.38	15.0	50	10	800
	16-19	1.10	1.32	14.5	55	10	700
	20-29	1.00	1.20	13.0	55	5	600
	30-49	1.00	1.20	13.0	55	5	600
	50-64	1.00	1.20	13.0	55	5	600
	65+	1.00	1.20	13.0	55	5	600
Pregnancy -							
First half		+0.40	+0.30	+2.0	+15	+5	+400
Later half		+0.40	+0.30	+2.0	+15	+5	+400
Lactation		+0.60	+0.50	+6.0	+35	+5	+500

c/ Vitamin D: 10µg=400 I.U.

244. The status of nutrient supply and intake is relatively good in Korea. As income increases, the consumption of rice is gradually decreasing. By contrast, the consumption of side dishes, including meat and milk, are increasing. As a result, the intake of protein and fat are increasing. Thus, the proportion of energy from carbohydrates is decreasing and the proportion of energy from fat is increasing.

245. With the improvement in nutritional status, the prevalence of chronic diseases is decreasing. The Korean Government is increasingly concerned with public nutrition. To improve diet and maintain good nutritional health, the Government is conducting public education programmes using mass communication, and nutritional education programmes in the public schools.

5. Application of technical and scientific knowledge to secure the right to sufficient food

246. Technical and scientific knowledge relating to foods is derived from research. Organizations that undertake food-related research can be classified into research institutions which are affiliated to the food industry, private research institutions, and government research institutions.

247. At research institutes within the food industry, new products, new resources for foods, and new techniques are developed. Currently, to produce safer foods, there are 100 food industry institutes that engage in continuous research to develop new processing techniques.

248. At private research institutes, research is undertaken on fair food distribution, and improving basic food quality. The primary institutes are the Korea Advanced Food Research Institute and the Korea Food Research Institute.

249. The National Institute of Health and 14 affiliated Health and Environmental Research Institutes at the city and provincial levels are governmental organizations. They monitor food quality and engage in research to establish standards and specifications for maintaining food quality. Genetic engineering is also studied by these organizations as it may be the key to future food problems.

250. At academic institutions, basic research related to genetic engineering is undertaken. At governmental institutes, the safety of genetically engineered products is studied. Industrial research institutes focus on the development of new products using genetic engineering methods. Recent products developed using genetic engineering are oligosaccharides which are recognized as new functional foods. Genetic techniques are also used to increase the outputs of monosodium glutamate, vinegar, soy sauce, amino acids, and fermented foods.

6. Publicity activities for nutritional information

251. To educate the general population about nutrition and to encourage a healthy diet, there are, by law, nutrition educators in community health centres and dietitians in mass-feeding places.

252. Pursuant to article 9 of the Nutritional Improvement Ordinance, the governor is responsible for appointing nutrition educators in each city and province. Nutrition educators are either doctors, pharmacists, nurses or dietitians. Their responsibilities include nutrition management for: infants, pregnant women, lactating women, and adults, as well as dietary improvement, nutrition education and the supervision of mass-feeding places. As of March 1992, there were 46,800 licensed dietitians in Korea. Their major duties are nutrition education and the management of mass-feeding places.

253. There are nutrition problems in different regions at different income levels. The Government has implemented systematic nutrition policies to combat the increasing prevalence of obesity. In December 1990, the Korean dietary guidelines were established to provide information on a healthy diet.

They were introduced to the public by the mass media, including television, radio and newspapers, as well as in leaflets, booklets and pamphlets. The dietary guidelines are also publicized at community meetings, in schools, and in displays in public places.

7. Improvement of the farmland administration system to secure sufficient food

(a) Farmland reform

254. Farm reform in Korea was put into force in 1950 with the passage of the Farmland Reform Law of 21 June 1949. The purpose of this law was to increase agricultural production by fostering a growing system where farmers owned their own land. Land reform meant that the percentage of farmers owning their own land rose from 35 per cent in 1945 to 92 per cent in 1951.

255. Land reform has also meant increased yields due to the increased incentive provided by owning one's own land. It has also helped restrain speculation in land by non-farmers. However, limits on the amount of land a farmer may own have resulted in some production inefficiencies.

(b) Land preservation policy

256. In order to cope with the increased demand for non-agricultural land due to urbanization and industrialization, the Land Preservation and Utilization Law (enacted on 18 December 1972 and amended in 1975) was promulgated to promote the preservation of agricultural land and to regulate the transfer of farming land. The 1975 amendment strengthens the land preservation policy by classifying land into "absolute farming land" and "relative farming land", introducing a permission system for land diversion, regulating land diversion, and imposing a tax to be paid when one diverts land from farm use.

(c) Legalization of land letting and hiring

257. The Land Letting and Hiring Control Law was promulgated on 31 December 1986 to increase agricultural production capacity by increasing the amount of land farmed by individual farmers. This law legalizes certain instances when land can be rented, including when a farmer gives up farming or a non-farmer inherits farm land. This law introduces a documentation and reporting system for land letting and hiring, as well as limitations on the upper limit of rent. The contract period should be for more than three years.

(d) Promotion of fishing and farming

258. For the development of farming and fishing villages, the Special Measure for the Development of Farming and Fishing Villages was promulgated on 7 April 1990. This law seeks to improve farming conditions by increasing investment in agricultural infrastructure and mechanization. In order to increase agricultural productivity and enlarge the scale of agricultural management the Farming and Fishing Villages Development Cooperation was established. It has responsibilities in the areas of farm trade, letting and hiring, exchanging, and the division and union of farms.

(e) Land diversion allotment system

259. The land diversion allotment system was introduced in 1991. This system ensures that some of the profits from land diversion are applied to improve the agricultural system, including agricultural infrastructure.

C. The right to adequate housing

260. Korea experienced a serious housing shortage in the aftermath of the Second World War. Reasons cited for the problem are: a population explosion due largely to the repatriation of Koreans from overseas after liberation; the wartime destruction of housing stock; and the north-to-south migration during the Korean War. This was partly rectified by a government effort to supply emergency shelters, but the shortage has persisted owing to migration to the cities caused by rapid urbanization, and the inadequate production of new dwellings.

261. While housing investment was not so intensive in the 1970s, the Government made substantial investments in the housing sector in the 1980s with funds generated from economic development and the trade surplus.

Housing investment trends

	1962-1966	1967-1971	1972-1976	1977-1981	1982-1986	1987-1991
New housing construction (in thousand units)	326	540	761	1 116	1 155	2 386
Investment/GNP (per cent)	1.6	2.6	3.6	3.8	5.2	8.5

262. The housing supply ratio (housing stock/number of households) has improved to 72.1 per cent as of 1990. The ratio would be even higher if Korea defined a housing unit as other countries do. In Korea, multi-dwelling units such as duplexes and triplexes, are not counted as individual units, thus the nation's housing stock is underestimated. By 1985 the supply ratio had continuously declined because the net increase in households far exceeded that of the housing stock. Inevitably, the decreasing housing supply resulted in price increases in urban areas. However, the problem has been gradually mitigated through concentrated housing investment since the late 1980s.

Housing related statistics

	1975	1980	1985	1990
Number of households (thousands)	6 367	7 470	8 750	10 223
Housing stock (thousands)	4 734	5 319	6 104	7 374
Supply ratio (per cent) a/	74.4	71.2	69.7	72.1
Urban area (per cent)	56.9	56.6	57.8	65.6

a/ Supply ratio: (housing stock/number of households) x 100.

263. In 1990, 50.6 per cent of housing units were owner-occupied. Persons per household and average housing size were 3.8 persons and 78.3 m², respectively. The decreasing rate of owner-occupied households can be explained by an increase in the supply of public rental housing and changes in residential habits. Average household size per person is decreasing, but housing size itself is increasing.

Housing trends

	1975	1980	1985	1990
Owner-occupied ratio (per cent)	63.6	58.4	53.4	50.6
Average household size (person)	5.1	4.5	4.2	3.8
Average housing size (m^2)	58.2	68.4	71.0	78.3

1. Present housing condition of the poor

(a) Homeless individuals and households

264. Homeless persons are housed in social security facilities in accordance with the Livelihood Assistance Act enacted on 30 December 1961. It is difficult to accurately count the number of vagrants, but 82,000 homeless persons who are in extreme poverty were sheltered in social security facilities through the end of 1991. Households who are unable to make a living, due either to wage earners being too young or too old, were designated as residential protection target groups by the law. They constitute 1.7 per cent of the total 10,538,000 households.

Residential aid target groups

	1988	1989	1990	1991
Total	2 310	2 353	2 256	2 246
Security facilities received	75	79	81	82
Residential protection a/	318	341	339	338
Self-support protection b/	1 917	1 933	1 835	1 826

a/ Residential protection: Persons lacking ability to secure accommodation due either to being too young or too old.

b/ Self-support protection: Persons who are unable to make a living due to low income.

(b) Inadequately housed individuals and households

265. In the absence of minimum dwelling standards, one cannot estimate how many households are inadequately housed. But substantial improvements have been made with respect to such basic facilities as bathrooms, kitchens, and entrance roads in crowded urban areas and underdeveloped rural areas.

266. In 1991, there were a total of 163,000 units in crowded urban residential areas which were extremely inadequate. In 1989, the Government enacted the Residential Environment Improvement Law in order to improve crowded urban areas. A total of 24,000 homes were improved by 1991, and another 139,000 units are to be improved by 1999.

267. In order to upgrade the quality of rural residences, the Government is engaged in the rural housing improvement project. Most work is carried out to improve kitchens, bathrooms, conventional washrooms, and community facilities, including small-sized sewage disposal facilities. About 40 per cent of the targeted improvements were completed by 1990. Accordingly, the rural residential environment has improved considerably.

Overview of housing improvement projects in rural areas

	Total	Until 1991	After 1992
Inferior housing improvements (thousands)	569	193	376
Kitchen, bathroom improvements (thousands)	1 428	629	799
Conventional washroom improvements (thousands)	1 229	386	843
Community structure improvements (thousands)	5 347	3 696	1 651
Small-sized sewage disposal facilities		9	17

268. By 1991, about 99 per cent of all households had access to electricity, and 78 per cent of all housing units were equipped with running water. Households that are not served with running water can obtain well water. The nationwide mail service system has been completed, and 72 per cent of the nation's roads are paved.

(c) Illegal housing

269. Illegal houses are those that were constructed without permission. They constitute approximately 2 per cent of the total housing stock. Most of them do not meet proper residential standards. Local Governments continuously carry out improvements through redevelopment, and through residential environment improvement projects, when these residences become dilapidated.

(d) Evictions

270. The Government adopted the Residence Lease Protection Act on 5 March 1981. This act prohibits landlords from evicting tenants by force. Also, this Act mandates just compensation for renters in case of eviction. The Act was recently amended to extend the lease period to two years unless otherwise agreed upon between the two parties. This amendment reduces evictions considerably.

(e) Low rent housing

271. The Korean Government is endeavouring to reduce housing expenditures for low-income households by providing low-rent public rental dwellings. Rent controls are in place to prevent high increases in private rental housing in accordance with the Residence Lease Protection Act.

272. The ratio of dwelling costs to total household expenditures is, on average, about 9 per cent. However, persons who are unable to support themselves owing to low income, and are so designated by the Social Security Act, receive a subsidy of 50,000 won a month from their municipalities.

273. In Korea, there are no statistics on the waiting list for public housing. Candidates for public or private rental dwellings are selected, when dwellings become available, in accordance with specific criteria, including the period of rented tenure and income.

274. A number of housing units have been built during the last decades to satisfy demand for new dwellings. In particular, the Government established the "Two Million Unit Housing Construction Plan" for the five-year period between 1988 and 1992. The major elements of this programme can be summarized as an expansion in public land development and housing finance. As a result of these measures, 2.14 million dwelling units were built by the end of 1991, ahead of schedule. Housing conditions in Korea are improving significantly.

275. The Government puts great emphasis on improving the dwelling standards of low-income people through the supply of small-sized dwellings. As a matter of fact, public builders are under an obligation to supply small houses, less than 60 square metres in size, and private house-builders also have to build

the same sized dwellings at a rate given by the Government. The Government has formulated a long-term housing construction plan that will produce 500,000 dwellings every year from 1992 to 2001 to alleviate the housing shortage.

(f) Dwelling status by tenure

276. In the Korean housing market, rental dwellings have traditionally been provided by the private sector. The rental housing industry is still underdeveloped. At the end of 1990, owner-occupied housing accounted for 50.6 per cent of all dwellings. Privately rented dwelling units and public rental housing constitutes 42.9 per cent and 4.5 per cent, respectively.

277. Since 1988, the Korean Government has placed more emphasis on increasing the stock of public rental dwellings in order to improve the lives of urban low-income households.

Public rental dwelling construction: 1982-1991

(Unit: thousand)

1982-1986	1987	1988	1989	1990	1991
68	52	53	82	125	113

278. Rental tenure in Korea is operated in both the chonse system - usually translated as "key money" - and the monthly rent system, which is the system found in most western countries. Under chonse arrangements, instead of paying a monthly rent, a tenant makes a lump-sum deposit, corresponding to between 30 and 50 per cent of the price of a dwelling, to the landlord at the beginning of the occupancy, a deposit which is fully refunded at the end of the contract period.

2. Basic legislation to secure the right to adequate housing

279. Article 14 of the Constitution of the Republic of Korea guarantees as basic the right to choose one's residence. It states that "All citizens shall enjoy freedom of residence and the right to move at will".

280. Article 35 of the Constitution states that "All citizens shall have the right to a healthy and pleasant environment". It further provides that "The State shall endeavour to ensure comfortable housing for all citizens through housing development policies and the like".

281. The Constitution also guarantees home-ownership and tenant rights. Article 23 declares: "The right of property of all citizens shall be guaranteed", and "Expropriation, use or restriction of private property from public necessity and compensation thereof shall be governed by law. However, in such a case, just compensation shall be paid".

282. The Housing Construction Promotion Act was passed on 30 December 1972 to set forth the right to shelter. Article 1 of the Act declares that "The purpose of this act shall be to provide stability to the residential life of

citizens who do not own their own homes, to provide for the construction and supply of dwelling units, and to raise housing funds to bring about the purpose of this Act". In addition, article 2 prescribes the State's duty to ensure stability in a citizen's residential life. It states that "The State shall plan and put into action measures necessary to ensure the stability and improvement of citizens' residential lives".

283. On 5 March 1981, the Residence Lease Protection Act was enacted to secure stability in tenants' residential lives and to protect tenants' property interests. The Act emphasizes the right of tenants to receive repayment of their deposit money, to a minimum two-year term for their lease, and limits to annual rent increases.

3. Legislation on housing construction, and public enterprises

(a) Housing construction, supply and management

284. The Housing Construction Promotion Act defines general terms for housing construction, supply, and management. The Act provides appropriate measures for housing construction promotion in the categories of housing construction, financial support, standards and processes of housing construction, and the use of materials of good quality. It also defines housing supply rules for the appropriate allocation of newly constructed housing and collective housing, as well as rules for the efficient management of housing such as apartments. Rules are also prescribed for the establishment and management of the National Housing Fund to support national housing construction, as well as purchases for the low-income group.

285. The Regulation on Housing Supply was enacted on 10 May 1978. It provides rules for the allocation of newly constructed housing. Priority goes to households who do not own a house, who have been saving for a house, and who are residing in the area of newly constructed housing.

286. The Regulation on the Standards for Housing Construction (enacted on 15 January 1991) defines standards for housing construction, in particular collective housing. Multi-family housing is densely constructed. Therefore, facilities for pleasant daily life, such as open space, parks, and shopping centres, should be located nearby. These matters are prescribed in the Regulation.

287. The Rental Housing Construction Promotion Act was enacted on 31 December 1984 to promote the construction and supply of rental housing. Article 1 of the Act reads: "The Act aims at defining actions necessary to assure housing for the people by providing for the construction and supply of rental housing". The Government and the local authorities have a duty to construct rental housing for low-income people. Public funds, such as the National Housing Fund, are supposed to support rental housing construction. Publicly developed land is preferentially supplied for this purpose. Rental housing units supported by public funds must be rented for at least five years in order to prevent a decrease in the rental housing stock by a transformation of rental housing into housing for sale.

(b) Housing improvement and renewal

288. The Urban Renewal Act (enacted on 31 December 1976) was adopted to renew deteriorated urban areas. It defines poor housing in crowded areas as renewal districts, and mandates residents or property owners in the district to form a renewal association, or prescribes a local authority to carry out the renewal project.

289. The Temporary Act for Improving the Residential Environment for the Urban Low Income Group (passed on 1 April 1989 and effective until 1999) was enacted to provide for the collective improvement of the residential environment where the infrastructure is very poor, but better than in a renewal district. The Act designates a district for improvement on the condition that its residents unanimously agree to it. The head of a local authority implements the project and can provide free public land in certain instances. The Government, through the National Housing Fund, provides financial support for such projects.

(c) Housing protection for the low-income group

290. The Social Security Act (enacted on 5 November 1963), the Livelihood Assistance Act (enacted on 30 December 1961), and the Mother and Children Welfare Act (enacted on 1 April 1989) are for the protection of the low-income group. Housing expenses are subsidized and public rental housing units are preferentially supplied to those who cannot afford the cost of housing.

291. The Disaster Relief Act (enacted on 20 March 1962) and the Act on Measures against Natural Disasters (enacted on 18 February 1967) are for the purpose of supporting the dwelling security of households suffering damage due to flood or fire. Each Act defines precautionary measures against natural disasters, as well as measures for recovery, and measures to support damaged households.

(d) Housing-related organizations

292. The Korea National Housing Corporation and the Korea Land Development Corporation are housing-related organizations in which the Government has invested. The Korea National Housing Corporation was established in accordance with the Korea National Housing Corporation Act of 20 January 1962. It aims at stabilizing people's lives and improving public welfare via housing construction, supply, management, and housing improvement. It undertakes many projects, including housing construction, site development projects, city planning projects, urban development projects, and land readjustment projects. Recently, the activities of the Korea National Housing Corporation have been concentrated on construction of rental housing for low-income people, and on the construction of small sale units.

293. The Korea Land Development Corporation was established by the Korea Land Development Corporation Act on 5 December 1978. The corporation aims at promoting efficient land use so as to contribute to the sound growth of the national economy. It performs land acquisition and development, for housing construction, industrial use, and for new town construction.

294. Local authorities can establish Regional Public Development Corporations in accordance with the Local Public Enterprise Act. The major business of these corporations is to construct housing for low- and middle-income groups, to develop housing sites, and to carry out urban development projects.

295. The Korea Housing Bank, a banking institution concerned with housing construction, was established in accordance with the Korea Housing Bank Act of 30 March 1967. The Bank aims at "supporting housing fund formation as well as providing for its efficient supply and management". Major businesses include housing-related fund formation, and loans for housing construction, purchases, improvements, and site development. The business of the Housing Subscription Savings Programme and the management of the National Housing Fund are also included.

4. Laws concerning land (land use, city planning and land expropriation)

(a) Land use planning

296. The laws enacted to provide guidelines for the general plan for national development, the national land use plan and the city plan, include the Act concerning Comprehensive Planning for National Land Development (enacted on 14 October 1963), the National Land Use and Management Act (enacted on 30 December 1972), the City Planning Act (enacted on 19 January 1971), the Capital Region Management and Planning Act (enacted on 31 December 1982), the Urban Park Act (enacted on 4 January 1980) and the Natural Park Act (enacted on 18 August 1980).

297. The purpose of the Act concerning Comprehensive Planning for National Development is to achieve the economic, social and cultural development of the national territory, thereby making a contribution to the enhancement of the welfare of the people. In order to utilize, develop and preserve the national territory and to ensure suitable locations for industry and adequate living conditions, the Act governs matters concerning the planning process of the Comprehensive Plan for National Development.

298. The purpose of the National Land Use and Management Act is to make provisions with regard to drafting decisions on national land use. The National Land Use Plan seeks to provide a guide for the most efficient use of land.

299. The purpose of the City Planning Act is to regulate matters concerned with drafting, decision making, and implementation of plans for the construction, maintenance, and improvement of cities, thereby encouraging the sound development of cities and promoting public peace and order, and public well-being.

300. The purpose of the Capital Region Management and Planning Act is to provide rules governing the drafting and implementation of the comprehensive plan in order to manage the capital region in such a way as to promote orderly development of the region and balanced development of the national land by relocating people and industries away from densely populated areas.

301. The Urban Park Act and the Natural Park Act govern matters concerning the designation, development, utilization and management of parks inside and outside of city areas.

(b) City and regional development

302. Laws concerning city and regional development include the Industrial Location and Development Act (enacted on 13 January 1990), the Special Act concerning Comprehensive Development of Specially Designated Regions (enacted on 14 January 1980), the Residential Land Development Promotion Act (enacted on 31 December 1980) and the Land Adjustment Act (enacted on 3 August 1986).

303. The Industrial Location and Development Act regulates matters concerning designation, development and management of industrial estates, and promotes the balanced development of national land, and the continuous growth of industries through the efficient supply of industrial sites and the rational allocation of industries.

304. The Special Act concerning Comprehensive Development of Specially Designated Regions stipulates measures to designate and promote development in regions that are underdeveloped or that are to be developed for special purposes.

305. The Residential Land Development Promotion Act was enacted to mitigate housing shortage problems by developing land for the expansion of the housing supply. The Act allows for the designation of Residential Development Planned Districts and provides exceptional procedures for development approval and permits, bypassing the approval and permit requirements of other laws. The Act also provides the exceptional procedures for land expropriation.

306. The Land Adjustment Act determines matters regarding the implementation of land adjustment so as to promote efficient land use by readjusting land subdivisions.

(c) Land expropriation, assessment and compensation

307. To provide compensation in cases of land acquisition for public use, the Land Expropriation Act was enacted on 15 February 1962, and the Special Act concerning Public Land Acquisition and Compensation Act was enacted on 31 December 1975.

308. In order to determine the standard assessment for expropriated land and calculate the imposition of national and local taxes, the Act concerning Official Land Price Declarations and Land Assessments was enacted in December 1989. In order to regulate real estate brokers, and real estate sales, the Real Estate Brokerage Act was passed on 31 December 1983.

(d) Limits to land ownership and the recapture of development gains

309. In order to recapture benefits resulting from changes in zoning or development, the Act on Land Value Increment Tax (December 1989) and the Act for Recapturing Development Benefits (December 1989) were enacted. The Income Tax Act (December 1974) governs matters regarding the transfer income tax in

order to recapture capital gains through the sales of real estate, such as housing and land. In order to discourage ownership of excessive residential land by a limited number of persons, the Act concerning Housing Land Ownership Limits was enacted on 30 December 1989.

5. Other legislation

(a) Standards of construction and provision of infrastructure

310. To provide standards for building and housing construction, building classification and registration, the Building Code was drawn up in 1982. To supplement the Building Code for multifamily housing, the Regulation concerning Housing Construction Standards was enacted on 15 January 1991.

311. Road routing, construction, maintenance, standards and financing, are governed by the Road Act, which was enacted on 27 December 1961. In order to promote development of adequate road networks, the Road Development Promotion Act was enacted on 28 February 1967. Other laws concerning roads include: the Road Development Promotion Act for Farming and Fishing Villages (enacted on 24 December 1991) to control new construction, expansion, pavement and maintenance; the Highway Act (enacted on 10 August 1970) to regulate matters concerning the construction and maintenance of highways; the Toll Highway Act (enacted on 5 November 1963) to provide for the development of toll highways.

312. The Water Supply Act (enacted in December 1961) and the Sewerage Act (enacted in August 1966) provide for the development and maintenance of water supply systems and sewerage systems.

(b) Laws preventing discrimination in the housing sector

313. The Korean people are ethnically homogeneous so there is no racial discrimination. Neither is there discrimination against special groups of people based on race, sex, religion, or any other standard. As a result, there is no need for legislation to prevent discrimination in the housing sector.

(c) Laws concerning speculation on housing and real estate

314. The Korean Government imposed several anti-speculation measures in order to reduce speculative demand. Under the Housing Construction Promotion Act, a real estate broker or salesman cannot engage in speculative transactions. The Government also intervenes in land transactions in order to discourage speculation through the Land Transaction Report System and the Land Transaction Permission System.

(d) Legalization of illegal dwellings

315. Illegal structures can be classified as legal when they meet criteria, such as minimum lot size and minimum floor space, set forth in the Building Code. Illegal housing units are also reclassified as legal when the residential environment is improved pursuant to the Residential Environment Improvement Programme.

(e) Pleasant living environment

316. Densely built-up residential areas are designated as residential areas under the National Land Use Management Act and City Planning Act. The construction of factories is prohibited in such areas in order to provide comfortable and quiet surroundings.

317. Minimum building spacing is required by the Building Code to ensure adequate light, privacy and ventilation. The Regulation concerning Housing Construction Standards prescribes minimum requirements for park and neighbourhood facilities.

318. The Civil Code guarantees the rights to "sun exposure" and "sound sleep". It provides for compensation when these rights are violated. The Environmental Pollution Damage Dispute Arbitration Act (enacted on 1 August 1990) provides for protection from both noise and dust pollution.

6. Major Policies to Implement the Right to Housing

(a) Measures to foster the private housing industry

319. The Korea Housing Bank (KHB) provided a total of 9,476.6 billion won from 1987 to 1991 to encourage private builders to construct new housing units. To break these figures down further: 1,137.6 billion won were provided to housing developers for housing construction and 8,339 billion won to individuals as construction and purchase loans.

Housing loans provided by KHB

(In billion won)

Classification	pre-1981	1982-1986	1987-1991
Construction loan	52.9	508.0	1 137.6
Purchase loan	244.7	2 292.8	8 339.0
Total	297.6	2 800.8	9 476.6

320. Tax incentives encourage private builders to construct new housing units. When private builders construct housing sized under 85m² or rental housing, the builder is exempt from acquisition and registration taxes.

321. Idle private funds have been used for speculative purposes in both the land and stock markets. The Government has adopted measures to get life insurance companies and non-bank savings institutions actively involved in housing construction activities. In this way speculative funds are applied to more productive use.

322. Since the passage of the Cooperative Housing Act, more than 30,000 units of cooperative housing were constructed by the end of 1991. When more than 20 persons organize a housing cooperative at a job site, they are eligible to build cooperative housing.

323. In order to utilize small pieces of vacant land and to attract resources into rental housing, multifamily housing, which consists of 2 to 5 rental units, was introduced. Financial and tax incentives have encouraged private builders to construct multifamily housing. This has contributed to an improvement in the housing conditions of the urban poor.

(b) Government assistance for housing construction

324. Housing policy in Korea is geared to coping with housing shortage problems as well as to improving housing standards. Local governments are directly involved in housing construction, and various financial and tax incentives are given to private builders to increase housing supply.

325. The Housing Bureau of the Ministry of Construction is responsible for all matters related to policy development, regulations, operation of the National Housing Fund, and research on technical issues. The Housing Bureau consists of five divisions: Housing Policy Division, Housing Management Division, Housing Finance Division, Housing Development Division and the Residential Land Development Division. In addition, provincial and local governments have housing bureaux or housing divisions in order to effectively implement housing policies and plans.

326. The Government formulated long-term housing construction plans consistent with the Comprehensive Plan for National Development. Mid-term housing construction plans are formulated as an integral part of the Five-Year Economic and Social Development Plan. Essentially the Plan constitutes future housing policy directions.

327. The Annual Housing Construction Plan is formulated every year pursuant to the Housing Construction Promotion Act. The Annual Housing Construction Plan establishes the year's allocation and size of housing units to be built, as well as the size, amount and type of loan funds. The Annual Housing Construction Plan is implemented by local governments and government agencies, such as the Korea National Housing Corporation and the Korea Land Development Corporation.

328. In order to improve housing conditions and stabilize housing prices, the Government formulated an ambitious plan to construct two million housing units between 1988 and 1992 (400,000 units per year). In order to achieve this goal, the Government adopted a series of policy measures, such as the expansion of housing finance, and the expansion of residential land and tax exemptions.

329. The outcome of the Two Million Unit Housing Construction Plan was successful. More than 2 million units were completed by the end of 1991, which means that the construction target was achieved one year in advance. This also means that 530,000 units were constructed each year, twice as many as in the 1970s and early 1980s. As a result, the housing supply ratio increased from 69.1 per cent in 1988 to 74.2 per cent in 1991 and the price of housing has stabilized since 1990.

330. Permanent rental housing and worker's housing have been provided in order to improve the housing conditions of the poor. In order to increase the number of smaller houses available for low middle-income households, the public sector has constructed housing under 60 m^2. The private sector is also required to construct a fixed percentage of houses smaller than 60 m^2. Rental housing is provided for people who cannot purchase a house from the public sector.

Housing units constructed by dwelling type between 1988 and 1991

(Units in thousands)

Dwelling type	No. of units
Permanent rental housing	153
Long-term rental housing	171
Worker's housing	97
Small-sized sale housing	289
Private sectors housing	1 432
Total	2 142

Public sector housing programme by dwelling type

Dwelling type	Target group	Size (m^2)	Monthly rent (won)
Permanent rental housing	Welfare families	23.1 - 39.6	30 000 - 40 000
Public rental housing	Low-income household	Under 39.6	60 000 - 80 000
Employer - provided housing	Low-income workers	Under 49.5	70 000 - 90 000
Long-term rental housing	Low middle-income household	Under 59.4	80 000 - 100 000

(c) Financial support for the housing sector

331. There are three types of government financial support for the housing sector: support in the form of public funds, budgetary support for residential infrastructure, and the National Housing Fund (hereinafter referred to as NHF).

332. Government financial support has substantially expanded since 1988 when the Government actively implemented the Two-Million Unit Housing Construction Plan of 1988-1992. NHF consists of government grants, money accumulated from

various saving schemes, funds drawn from charges on development gains, and overseas loan funds primarily from the World Bank. The fund is being used to promote low income housing development, including low-cost housing construction and site improvement. It is managed rather independently by the Korea Housing Bank under the direction of the Ministry of Construction (MOC).

Government financial support

(Unit: 100 million won, per cent)

	1983-1987	1988-1991	Percentage increase
Total	45 854	93 614	255
Government finance	7 556	23 572	390
NHF	38 298	70 042	229

333. MOC undertakes a wide range of functions. They include, inter alia, development of the National Development Plan and its implementation, national land use control and management, urban planning and control, housing construction and management, land price surveys and appraisals, construction of water and sewage facilities and their management, comprehensive water resource management, and promotion of construction technology. Accordingly, MOC ranks relatively high in the Government's budget allocation. The table below shows MOC's increasing share of the budget.

Change in the MOC budget share

(Unit: 100 million won, per cent)

	1987	1988	1989	1990	1991
Total	160 596	184 291	220 468	274 557	313 823
MOC	12 671	15 925	29 545	29 037	38 225
Percentage share	7.9	8.6	13.4	10.6	12.2

(d) Measures for advancing international shelter support for low-income households

334. Basically, there are two ways in which international support is mobilized to rectify housing problems among the less privileged segments of a nation's population. One is financial support made available through international lending agencies, such as the World Bank; the other moral and political support in the form of various promotional campaigns organized by international organizations such as the United Nations Centre for Human Settlements (UNCHS). As shown in the table below, the Republic of Korea has relied on World Bank loans in an effort to better the housing of Korea's poor.

World Bank Housing Sector Loans

(Unit: thousand dollars)

First (1983-1987)	Second (1987-1989)	Third (1991-1993)
69 870	150 000	100 000

335. Bank loans have been put into the National Housing Fund, and effectively utilized to develop low-income and low-cost housing, as well as to improve construction technology. A small portion of the money has also been used for staff training and education purposes. NHF is primarily intended to finance construction of small and medium-sized dwelling units, as well as of rental housing units. Over half of the Fund is used to provide the low-cost and long-term loans which are necessary for low-income families to purchase low-cost units.

336. The Korean Government has made the utmost effort to improve the housing conditions of the economically underprivileged, and to actively participate in various international conferences organized by UNCHS and other international agencies.

(e) Policy Measures for downtown development of small and medium cities

337. The Korean Government adopted the Seoul Metropolitan Region Control Planning Act on 31 December 1982, and ever since has actively discouraged the concentration of population and industries in the Seoul region. The Comprehensive Plan for National Development Act provides for the development of the Comprehensive Plan for National Development and its update every 10 years. The second Plan, drawn up in 1982, strongly emphasized decentralization and deconcentration from the Seoul metropolitan region, and at the same time regionally balanced development. Consistent with the Plan's strategy the Government actively promoted the dispersion of major industries from the metropolitan region, and the sustainable growth of local cities.

338. Strategically viable sites are selected to serve as growth inducement nodes for underdeveloped regions, where localization economies can be maximized. The central Government-initiated large-scale industrial estates are developed within and around these nodes. Once the sites are determined, a large amount of infrastructure investment is made. Industrial estate development funds are distributed nationwide so that long-term regionally balanced development can take place. The local authorities are strongly encouraged to attract local small and medium-sized viable firms by developing local industrial estates and local agribusiness estates. Particular attention has been paid to improving transportation accessibility, formal and advanced educational facilities, cultural facilities, and both the residential and social environment, to the extent that their overall quality is not too far behind that of larger cities.

Industrial estate status

(As of December 1991)

	Total	Special cities	Medium cities	Small cities
Industrial estates	29	3	16	10
Local industrial estates	21	2	12	7
Agribusiness estates	220	1	28	191

339. Local development is expected to accelerate as local autonomy is fully established. There is a strong sign that this goal is already being fulfilled. Local assemblies were established in 1991, and regularly convene to discuss local matters, many of which happen to be local development issues.

(f) Measures to resettle relocatees from urban renewal projects

340. There are a number of people who lost shelter owing to redevelopment in cities. They are duly protected by the City Planning Act. They are provided with alternative places to live. Just compensation is also made in the form of cash or residential land, depending on the type of project. The Urban Redevelopment Act requires the formation of a neighbourhood association when redevelopment takes place on a voluntary basis. Redevelopment projects cannot proceed without the unanimous approval of the residents. In this process, the association must agree with the residents upon the ways and means to deal with relocation and just compensation for those who are adversely affected.

341. As in other countries, the State exercises the power of expropriation when and if absolutely necessary. It occurs when both local and central Governments decide to develop massive scale residential and industrial estates, or to construct roads and highways. Property owners have to yield their ownership rights to the State. In these cases, the State must justly compensate property owners for any losses pursuant to the Land Expropriation Act and the Special Act Regulating Land Purchase for Public Uses and Compensation. The property owners can request alternative dwelling units elsewhere, and in this case the State is responsible for the payment of relocation expenses.

Article 12. Right to physical and mental health

A. Trends in health care

342. Article 36 (3) of the Constitution of the Republic of Korea states that the health of all citizens shall be protected by the State. Accordingly, the Korean Government has been trying to improve the health of the Korean people. The health of Koreans has been tremendously improved through the enactment of laws for the establishment of health centres, a national population control

policy, the reinforcement of communicable and non-communicable disease control programmes, drinking water supply schemes, medical insurance and protection programmes, special laws for rural and fishery areas, health services, the strengthening of primary health care, the improvement of food and drug safety, and the expansion of medical manpower and facilities.

343. To assess the health of Koreans, life expectancy, the crude death rate and disease prevalence rates are used as health indices. The life expectancy was 53.0 years for males and 57.8 years for females in 1960. It increased to 67.4 years for males and 75.4 years for females in 1990.

344. The infant mortality rate, the most sensitive mortality index, was 51 per thousand in 1970 and it decreased to 12.8 in 1988. The communicable disease incidence rate was 23.5 in 1980 and it decreased to 3.2 in 1991. The tuberculosis prevalence rate was 2.5 in 1980 and it decreased to 1.8 in 1991. The parasite (round worm) infection rate was 13 in 1980 and it decreased to 0.9 in 1990. The safe delivery rate was 59.5 per cent in 1982 and it increased to 88.9 per cent in 1988, most deliveries are supervised by medical personnel. Medical manpower also was increased so as to improve access to medical facilities.

B. Health policy

1. Health and medical policies

345. Korea's health and medical policies have been established and implemented in accordance with trends in political, economic and social situations, as well as changing health and medical awareness. From 1948, when our Government was established, until the 1950s, the Government concentrated on the control of acute communicable diseases such as smallpox, cholera and typhoid, and medical care services for the treatment of Korean war injuries. From the late 1950s, control systems for acute communicable diseases, tuberculosis and leprosy, were established, and medical resource development programmes, including medical facility expansion, were implemented.

346. During the 1960s, Korea significantly progressed in terms of medical treatment and preventive service systems by expanding programmes. Local health centres were established in each large and small city and district pursuant to the revised Health Centre Act. In addition, the sustainable population control programme led to a major slow-down in population growth and a decrease in the occurrence of communicable diseases.

347. In the 1970s, a policy for the promotion of environmental health and hygiene in rural and fishery areas was implemented. Water-pipes were installed on a large scale to provide safe water.

348. The Fourth Economic Development Plan, which was initiated in 1977, emphasized social and economic development. An improved social development policy, health insurance and a welfare mechanism were established. Factories employing more than 500 workers were the first target of the health insurance system, and the number of beneficiaries has gradually increased since July 1977. During this period, health-aid programmes for low-income people were established.

349. In 1980, the provision of a constitutional right to health and environmental protection resulted in a dramatic increase in nationwide investment and an improvement in health policies and systems. These programmes were reflected in Korea's fifth Five-Year Social-Economic Plan.

350. A programme to improve the provision of health services in rural and fishery areas was implemented to provide equitable health services in outlying areas. Public health physicians and community health practitioners were hired in rural health posts. Doctorless villages have been eradicated and primary health programmes have been instituted in isolated and small villages in rural areas. In addition, during this period, the foundations were put in place of a safety and quality management system for food and drugs.

351. In 1989, health insurance and aid benefits were expanded nationwide. The establishment of the emergency health care system in 1991 further advanced Korean health care. Health policies in Korea have continued to develop; however, they still lag behind those of more advanced countries.

352. Recently, in an effort to provide equal benefits for all socio-economic classes, the improvement of the quality of health care provided to the disadvantaged classes and of the health care delivery system has become a priority. In particular, efforts are being made to improve health care for the elderly, and to respond to localization trends, through improvements to the health care supply system, control of health care expenditures and enhancement of the preventive health services.

2. Population policy

353. Korea's population policy has been implemented by the Government as an integral part of Korea's national development plan. Korea's population plan takes several forms: fertility control, prevention of overcrowding, and the provision of essential resources, such as housing, health service and employment, to the population. Major emphasis is being placed on fertility control.

354. According to Korea's 1990 census, the total population is 42,869,000 persons, the population growth rate is 0.98 per cent and the total fertility rate is 1.63. Korea's population increased 4,745,000 from the 1980 figure of 38,124,000, while the population growth rate rapidly declined from 3.0 per cent in 1960 to 1.67 per cent in 1980, and 0.98 per cent in 1990. This was due to Korea's population policies, which have been in effect since the 1960s.

355. 25.8 per cent of the population are aged 0 to 14, 69.2 per cent are aged 15 to 64, and 5.0 per cent are aged 64 and over. The dependent ratio is estimated at 44.5 per cent.

356. The current population policy includes fertility control programmes, such as sterilization, IUDs, distribution of condoms and birth control pills, social support policies such as providing primary medical services free of charge for certain categories of one child families, and programmes on family planning through the mass media such as television, newspapers, brochures and pamphlets.

3. Maternal and child health programme

357. The Korean Government has implemented maternal and child health (MCH) programmes in health centres in cities and provinces as a part of the public health programmes under the control of the Ministry of Health and Social Affairs.

358. In the early 1970s, MCH programmes were developed through the fortified central organization and the enactment of the MCH Act in 1973. Ninety-seven MCH centres had been established in health centres in rural areas. MCH centres provide prenatal care, delivery services for pregnant women, and care of infants, thus promoting maternal and child health and increasing the rate of delivery at institutions.

359. The target persons of the MCH programmes are 3,993,000 infants below age 6, (including an estimated 705,000 newborn babies), and 10,444,000 women between 15 and 44. Major programmes include registration of pregnant women and infants, the free health diagnosis of pregnant women and infants of low-income families, the supply of nutrients for pregnant women suffering from anaemia, and vaccinations for infants. Since 1991, the Government has screened for six congenital metabolic diseases, including congenital hypothyroidism, targeting newborns from low-income families to prevent mental retardation.

4. Disease Control Programme

360. Disease control is divided into communicable disease control and non-communicable disease control. Communicable diseases are divided into acute infectious diseases, chronic infectious diseases, and other diseases that require special control, like sexually transmitted diseases. The control of communicable diseases is carried out based on the Communicable Disease Prevention Act (2 February 1954), the Tuberculosis Prevention Act (16 January 1967), and the AIDs Prevention Act (28 November 1987). There are three classes of diseases that are designated by law: nine kinds of first-class disease, 14 kinds of second class disease, and three kinds of third-class disease. Two kinds of diseases (hepatitis B and leptospirosis) are designated by the Minister of Health and Social Affairs, and AIDS is specially controlled by the AIDS Prevention Act.

5. Acute communicable disease control programme

361. Nowadays, most communicable diseases have disappeared as a result of the improvement of living conditions (safe water supply, improvement of food hygiene, etc.) and the Government's active communicable disease prevention and control efforts.

362. It is anticipated that the change in population structure, particularly the increase in the aged population, will cause an increase in infectious diseases. In addition, the improvement of transport and an increase in foreign travel, including tourism, is causing an increase in infectious diseases, including AIDS.

363. The acute communicable disease control programmes are composed of disease monitoring, expanded immunization programmes, environmental sanitation, and disinfection activities. There are 25,000 disease monitors under the control of the Central or Rural Disease Prevention Headquarters. Monitoring is done by hospitals, clinics, pharmacies, industrial health officers, social workers, etc. The system permits the analysis of epidemics, and provides for their early detection and control.

364. The Ministry of Health has a regular infant immunization programme for DPT, polio, measles, and tuberculosis, and a temporary immunizat on programme for Japanese encephalitis-B, hepatitis-B, typhoid fever, and leptospirosis. Also, the Ministry is implementing carrier detection and treatment programmes free of charge in an effort to prevent relapses.

6. Chronic communicable disease control

365. Chronic communicable diseases which are the target of control in Korea are tuberculosis, leprosy, and sexually transmitted diseases. According to a 1991 incidence survey, the rate of these per hundred was: tuberculosis 1.8, leprosy 0.054, and sexually transmitted diseases 5.7.

366. Tuberculosis patients can register at public health centres and be treated free of charge. The Ministry operates three National Tuberculosis Hospitals to treat TB patients, including low-income patients. For the management of tuberculosis, early detection is extremely important. The Ministry carried out 1,291,000 BCG immunizations and 2,405,000 examinations in 1992.

367. In 1991, the number of registered leprosy patients was 23,326; 1,256 cases are bacillus positive; 11,979 patients are cared for at home; 8,418 in 98 settlement villages, and 2,929 in the National Leprosy Hospital and in 5 reception camps.

7. Sexually transmitted diseases

368. The Ministry performs registration and regular examinations for sexually transmitted diseases in public health centres and in certain general hospitals under the Communicable Disease Control Act (8-2) and the Hygienic Worker Health Examination Regulation. Identified cases can be treated under the Government STD control scheme free of charge. The Ministry is implementing massive health education campaigns, particularly targeted at students, soldiers and workers.

8. AIDS control

369. Since December 1985, when the first HIV seropositive case was found in Korea, 169 nationals (146 males, 23 females) were found, to be infected by the end of 1991. Among those cases 15 developed AIDs and died. In 1987, the Ministry enacted the AIDs Prevention Act for the purpose of prevention of HIV and care for the HIV infected.

370. The AIDS control programme includes regular health examinations for high-risk groups. The Ministry is emphasizing education and prevention. For

the management of the HIV infected, the Ministry is supplying regular health examination, free AZT, immunological tests and free care programmes.

9. Non-communicable disease control

(a) Mental disease control

371. The number of mental disease patients is gradually increasing in the Republic of Korea because the country's socio-economic development has caused rapid changes in the living environment, diversity and complexity of Korea's social structure.

372. As of 1991, the number of mental disease patients in the Republic of Korea is estimated at 943,000. Among them, 109,000 need hospitalization at certain periods. Mental diseases cause social and economic hardship, not only to patients but also to their families, because the patients need long-term treatment, and because cure rates are low. For the effective control of mental diseases, it is necessary to establish a comprehensive control system that enables early detection, treatment and follow-up. It is also necessary to establish special hospital beds for the treatment of mental diseases.

373. The Korean Government is increasing the number of special hospital beds for mental disease patients. In 1987, there were 24,410 mental disease hospital beds in Korea, only 74 per cent of the necessary beds. Since 1988, it has been Government policy to expand public mental hospitals, and encourage the expansion of non-governmental mental hospitals. This has resulted in the increase of mental hospital beds to an appropriate level of 32,311 in 490 facilities.

374. The Korean Government is planning to establish a comprehensive control system that includes the establishment of linkages and an allotment of functions between national mental hospitals and non-governmental medical facilities. It is also building a rehabilitation centre for autistic patients that will be ready in 1993. A new mental health law is expected to be enacted to provide the legal guidelines necessary for a comprehensive mental disease control system.

(b) Adult disease control

375. Mortality rates from communicable diseases are decreasing in Korea owing to improvements in the living environment and nutrition resulting from economic development, and a decrease in communicable diseases. On the other hand, mortality rates from non-communicable (adult) diseases are increasing owing to the aging of the population, changes in dietary habits, an increase in smoking and a decrease in physical activities. The mortality rates (per 100,000) from non-communicable diseases in 1990 in Korea was: malignant neoplasm 110.4; cerebrovascular disease 75.7; hypertension 35.6; chronic liver disease 29.6; and diabetes mellitus 11.8.

376. The prevention of adult diseases is important because most adult diseases have no symptoms and are not detected until the terminal stage. Therefore, Korea focuses on prevention activities. Korea has established 13 adult disease screening centres where screening at low cost is carried out utilizing

mobile screening teams. Cancer patients who were diagnosed in general hospitals are registered and controlled at the National Medical Centre. There were 43,000 patients registered between 1 July 1989 and 30 June 1990.

377. A national cancer centre will be constructed by 1994. It will carry out national cancer control programmes including prevention, screening and treatment of cancer. The Korea Heart Foundation was established for the treatment of child heart disease (congenital heart disease) and is carrying out 1,200 heart operations each year.

10. Parasitic disease control

378. Owing to economic growth, the development of environmental sanitation, improvements in public health, increased health examinations and successful treatment, the parasite prevalence rate decreased to 0.9 per cent. At this time the Ministry is seeking to control special parasites, such as liver distoma.

11. Food sanitation

379. Food sanitation in Korea is controlled by the Food Sanitarian Act which was enacted on 20 January 1962. Businesses controlled by the Act include 34,000 food manufacturing and processing operations, 338,000 restaurants, and 81,000 food transporting and distribution businesses.

380. Major provisions in the food sanitation policy are: continuous education of business proprietors, food sanitation managers, cooks and restaurant employees by government agencies and professional organizations, and the education of the general population using mass communications tools, such as television, radio, newspapers, leaflets and booklets.

381. At food manufacturing businesses, food processing businesses, and restaurants, inspections take place annually. Standards and specifications for foods and additives are established and enforced for quality and food safety.

382. Also, for the safety of imported foods, quarantine offices inspect food imports. To improve the quality of food on sale, manufacturing businesses must comply with notification or licensing procedures for their establishment.

12. Drinking water controls

383. There is growing demand for clean water among the people because of the acceleration of environmental contamination as a result of industrialization and urbanization. In Korea, drinking water is regulated by the Waterworks Act and the Public Health Act. As of 1991, piped water was provided to 88.1 per cent of the total population.

13. Management of health resources

384. Medical and health personnel are defined by the Acts as follows:

Medical Treatment Act, article 2: Medical professionals include physicians, dentists, herb doctors, midwives and nurses;

Medical Engineer Act, article 1: Medical engineers include six types of medical technician (clinical pathologists, radiologists, physical therapists, occupational therapists, dental artisans, dental hygienists), medical record keepers, and opticians.

Medical Treatment Act, articles 58, 60 and 61: Quasi-medical persons include nurses aides, bonesetters, acupuncturists, moxa-caterizers and massagers.

385. The Government controls the quality of medical personnel and only allows licensees to engage in medical activities.

386. The total number of medical personnel licensed and registered in 1991 was 399,000, of whom 147,000 are actively providing services. The number of persons per medical personnel are 837 per physician, 4,262 per dentist, 1,125 per pharmacist, and 453 per nurse.

387. There was a great increase in the number of medical institutions between 1980 and 1991. The number of hospitals and clinics have more than doubled to 637 hospitals and 22,574 clinics. The number of hospital beds also greatly increased from 65,041 in 1980 to 143,305 beds in 1991.

388. To cope with the dramatic increase in the demand for health care, medical manpower and facilities are managed in an efficient manner. Efficiency is pursued by dividing the national health fields into three systems: primary, secondary, and tertiary care. Since 1991, an emergency medical care delivery system has been implemented for night and holiday patients.

14. Primary health care

389. To improve health services, the Government expanded primary health facilities, which are health centres, in each county, city, or district: health subcentres in each township, and primary health careposts at the village level. In 1981, the Government enacted a special law whereby doctors serve as "public doctors" in doctorless areas as an alternative to military duty. In 1991, 2,397 public doctors were deployed in rural and fishery areas and there are no more doctorless areas in Korea. In 1991, the numbers of primary health facilities were as follows: 267 health centres, 1,329 health subcentres and 2,038 primary health care posts.

15. Pharmaceutical administration

390. Pharmaceutical administration is managed pursuant to the Pharmaceutical Affairs Law (promulgated on 18 December 1953) and the Narcotic Control Law (enacted on 23 April 1957). The special Act on Controlling Crimes related to Public Health was enacted on 4 August 1969; it increased the sentences of persons who manufacture, sell or purchase illegal products.

391. Pharmaceutical products which do not meet established specifications and which are not approved are not permitted to be distributed. The policy

includes control of product approval and maintenance of quality, a guarantee of safety and efficacy, and the prevention of misuse and abuse of pharmaceutical products.

392. The application of "Korean Good Manufacturing Practice" (KGMP) is compulsory. It ensures the supply of superior pharmaceutical products to consumers and prevents the distribution of inferior products. Companies that do not conform to KGMP standards are not granted approval to sell new drugs.

393. MOHSA regularly inspects drug manufacturing facilities and regularly collects drugs in distribution and carries out tests of their quality.

394. Any party who wants to manufacture pharmaceuticals must obtain a manufacturing licence from MOHSA and have a suitably equipped facility. The illegal manufacture and sale of pharmaceuticals is banned through a compulsory requirement for the registration of each pharmaceutical product.

395. To guarantee the safety and efficacy of products, a drug re-evaluation project is in place. The system aims at re-evaluating the safety and efficacy of drugs which have been already approved for manufacture and sale under periodic guidelines established in accordance with the current level of medical and pharmaceutical knowledge. Also, 1,236 monitoring centres such as hospitals, clinics and drug stores have been designated to collect information on drug side-effects. Efforts are being made to prevent side-effects of drugs, and to gather information from WHO and other countries.

396. False pharmaceutical advertisements are strictly regulated to prevent drug abuse, misuse and accidents.

397. To establish order in the distribution of pharmaceuticals, factory and retail pharmaceutical prices must be declared to the Korea Pharmaceutical Manufacturing Association.

16. Countermeasures against drug abuse

398. The pattern of drug abuse has varied according to the changes in the social environment in the Republic of Korea. Narcotics like opium and heroin were the most popular drugs at the beginning of the 1960s, cannabis in the 1970s, and methamphetamines, such as philopone, caused serious social problems during the late 1970s and 1980s. Sniffers of volatile substances, such as adhesives, organic solvents and gases, and abusers of general drugs which do not come under the control of drug regulations have been found frequently since 1990.

399. To cope with this situation, the Korean Government enacted the Narcotics Act on 23 April 1957, the Cannabis Control Act on 7 April 1976, and the Psychotropic Substances Control Act on 28 December 1979. The purpose of such laws is to set up a unified control system in the Ministry of Health and Social Affairs, to prevent dangerous substances from being abused, and to reinforce the capability of drug law enforcement activities.

400. To reduce demand through treatment and rehabilitation programmes, 22 national or public mental hospitals are designated as treatment and

rehabilitation centres by the Ministry of Health and Social Affairs. The Ministry is responsible for the payment of the costs and the supply of equipment. The Special Expertise Treatment and Rehabilitation Centre, with 200 beds, will open in 1993.

401. With a view to protecting human rights, the Government proclaimed the Presidential Decree on Protection of Drug Addicts in Treatment and Rehabilitation. Under the provisions of the Decree, the Judgement Committee on Protection for Drug Addicts in Treatment was established to prevent the infringement of the human rights of drug addicts in medical facilities. The Committee, consisting of psychiatrists, lawyers and public officials, examines drug in-patients so as to guarantee and improve the provision of human rights to these patients.

402. The Government has, to the best of its capability, been carrying out the following preventive programmes towards the reduction of the demand for drugs.

Showing films and video tapes at cinemas, theatres and on cable television networks to enlighten people about drug abuse and to illustrate the results of drug abuse;

Production and distribution of anti-drug posters, slogans, leaflets, booklets and slides;

Student education by counsellors and school teachers trained by the Ministry of Health and Social Affairs.

403. Inspections of licensed narcotic and psychotropic pharmaceutical manufacturers and distributors take place every year to ensure effective management methods and to check for the diversion of narcotic and psychotropic substances from licit to illicit traffic.

404. Since international drug criminals have been expanding their networks, the Government recognizes the importance of cooperation and coordination at the international, national and regional levels to fight against drug trafficking. To this end, it has exchanged drug related information with other countries and participated in international conferences and seminars on drug abuse control aimed at the promotion of international cooperation.

C. The public health budget

405. The budget for public health was 396.9 billion won in 1990 (0.24 per cent of GNP or 1.45 per cent of the total governmental budget). It has increased 750 per cent from the 1980s. The primary public health budget has also increased rapidly every year, and was 160.6 billion won (40.5 per cent of the public health budget) in 1990.

The public health budget

(Million won)

	1980	1985	1990
GNP	36 749 200	78 088 400	168 437 800
Central governmental budget	6 466 756	12 532 362	27 455 733
Public Health Division budget	46 933	112 960	396 883
Primary public health budget	46 520	105 857	160 612

D. Public health indicators

1. Infant mortality rate

406. The infant mortality rate is used as an index of the level of infant health, as well as of the living standards and health of the people and culture. The infant mortality rate in Korea was 12.5 per 1,000 persons in 1988, much lower than the 17.3 of 1980. It is estimated that the decrease in infant mortality resulted from Korea's economic growth, mother and child health programmes, environmental improvements, vaccinations, etc.

2. Waste treatment

407. Korea's environmental problems are largely due to the rapid industrialization and urbanization of the past 25 years. An average 10,870,000 tons of waste water is discharged each day nationally and treated through wastewater treatment facilities, septic tanks and sewage treatment plants. However, as of 1990 sewage treatment plants in Korea are only available for 33 per cent of total wastewater.

408. An average 43,578m^3 of sewage is generated daily. Waste from flush toilets is treated through wastewater treatment facilities, septic tanks, and sewage treatment plants, and waste from latrines is treated in local sewage treatment plants. The percentage of household sewage treatment is 91 per cent.

409. Waste is steadily increasing in quantity owing to the increase of economic and industrial activities. An average 83,962 tons of household waste was produced per day during 1990. This means that every Korean produces 2.3kg of waste per day. At the same time, an average 61,412 tons of industrial waste is produced a day in 11,850 industrial sites.

3. Immunization programme

410. The Korean Government provides a basic vaccination programme to control infant health. Inoculations are received for diphtheria, tetanus, pertussis, measles, mumps and rubella.

Vaccination statistics for major contagious diseases

(Unit: thousand persons)

Year	1990			1991		
Division	Total	Urban area	Rural area	Total	Urban area	Rural area
Diptheria Pertussis Tetanus	2 366	1 063	1 303	2 355	1 131	1 224
MMR a/	641	290	351	635	311	324
Polio	2 366	1 063	1 303	2 355	1 131	1 224
BCG	1 291	636	655	1 333	657	676

a/ MMR is a mixed vaccine against measles, mumps and rubella.

4. Life expectancy

411. The average life expectancy of the Korean people was 71.3 in 1990. It has increased by 16 years in 30 years from 55.3 in 1960. The life expectancy in the year 2000 is expected to be 74.3.

Life Expectancy

(Unit: years)

Division	1960	1970	1980	1990	2000 (estimated)
Total	55.3	63.2	65.8	71.3	74.3
Male	53.0	59.8	62.7	67.4	71.3
Female	57.8	66.7	69.1	75.4	77.4

5. Accessibility of medical care

412. In 1986, 80 per cent of the population had access to medically trained personnel within an hour's travel. Since then, health subcentres have been established in towns, and primary health care posts have been built in doctorless villages in rural and island areas. Most of the population now has immediate access to basic medical treatment and necessary drugs.

6. Safe delivery rates and maternal mortality rates

413. The safe delivery rate in 1988 was 88.9 per cent (urban 93.9 per cent, rural 74.9 per cent). This is significantly higher than 59.5 per cent in 1982. This is because most deliveries are now carried out by specialized personnel. 93.8 per cent of pregnant women received pre-delivery examinations. The number of examinations averaged 5.9 (urban 6.6, rural 4.3).

414. The maternal mortality rate per 100,000 deliveries was 2.9 in 1990. That is low in comparison to the 1980 figure of 4.2. It is anticipated that this figure will continue to decrease.

7. Specialized medical care for infants

415. The Korean Government is carrying out health education and regular health examination programmes for pregnant women, and infant health screening programmes during the 6th and 18th month. The infant population targeted for government care is 1,323,000, 33 per cent of the total 0 to 5 year old population. Other infants can utilize medical insurance or medical aid.

E. Health policy for remote areas

416. The realization of medical insurance for all in July 1989 greatly decreased the population who could not have access to medical care. For those who live on small islands and in out-of-the-way areas, medical care is supplied at health subcentres by public doctors. Community health centres have been established on doctorless islands and in out-of-the-way places where 3,305 community health practitioners provide primary health care services.

417. Four medical ships handle medical emergencies in island areas, enabling the fast transfer of emergency patients to mainland hospitals.

F. Environment and industrial hygiene policy

1. Environmental preservation

418. Article 35 of the Constitution of the Republic of Korea provides that "All citizens shall have the right to a healthy and pleasant environment. The State and all citizens shall endeavour to protect the environment."

419. Korea has the following environmental preservation acts: the Marine Pollution Prevention Act (enacted on 31 December 1977), the Solid Waste Management Act (31 December 1986), the Basic Environmental Policy Act (1 August 1990), the Air Environment Preservation Act (1 August 1990), the Water Environment Preservation Act (1 August 1990), the Noise and Vibration Control Act (1 August 1990), the Hazardous Chemical Substance Control Act (1 August 1990), the Environment Pollution Damage Dispute Coordination Act (1 August 1990), the Livestock Breeding Sewage and Excretions Act (8 March 1991), the Special Measures Act on the Punishment of Environment Crimes (31 May 1991), the Environment Improvement Cost Charge Act (31 December 1991), and the Natural Environment Preservation Act (31 December 1991).

420. The following environmental agencies exist in Korea: the Ministry of Environment, six regional environmental offices, the National Institute of Environmental Research (which performs a wide range of research in environmental science and technology and is responsible for important scientific laboratories including the Motor Vehicle Emission Research Laboratory and the Lake Water Quality Research Laboratory) and the Institute of Environmental Training.

421. Under the long-term Master Plan for Environment Preservation (1987-2001) and the Mid-term Master Plan for Environment Improvement (1992-1996), established in 1987, Korea will reduce the concentration of sulphur dioxide in the air of Seoul to 0.033 ppm and improve the rate of sewage treatment to 65 per cent. Accordingly, drinking water sources of first-rate quality will increase from 30 to 70 per cent by the year 1996.

422. The rate of solid waste treatment will be as high as 90 per cent by the year 1996. The area of natural parks which is 7.5 per cent of the total land will be as large as 10 per cent by the year 1996.

423. To carry out the Mid-term Master Plan for Environmental Improvement (1992-1996) 12,191.7 billion won, including civilian investments, are required. The Plan concentrates on the promotion of water quality, the management of waste, the promotion of air quality, the natural environment, land conservation, marine conservation and the promotion of environmental research.

2. Industrial hygiene policy

424. The Government of the Republic of Korea established its Industrial Safety and Health Act on 31 December 1981 in order to maintain and improve the safety and health of workers by preventing industrial accidents and by creating a comfortable working environment. Article 42 of the Act provides that an employer is required to report scientific evaluations of the working environment to the Minister of Labour periodically in workplaces in which dangerous work is performed.

425. Though working environment evaluations are performed by the health supervisor of workplaces, an employer can entrust it to a measurement institute or external working environment measurement agency. Thirty-nine such institutes existed by the end of 1990 and have undertaken working environment evaluations in 11,320 workplaces.

426. In order to improve poor working environments and to protect the health of workers, special attention is paid to companies which handle harmful substances, such as heavy metals. Technical guidance has been provided to 8,400 workplaces deemed to have a poor working environment.

427. A person who manufactures or uses harmful substances must obtain approval beforehand from the Minister of Labour in accordance with standards provided by the regulations of the Act and Guideline on Industrial Health.

G. Medical expenses of the aged

428. From July 1989 national health insurance was provided to all people including the aged. For the aged 65 years or more and protected by livelihood-assistance, proper medical service is provided free of charge or for a small charge.

429. Based on article 9 of the Aged Welfare Act, the Government is implementing annual free health examinations for about 200,000 of those aged 65 years or more. Moreover, health education, health consultations and early treatment are offered to them. Based on article 8 of the Act, an aged person protected by livelihood assistance who is in need of health care owing to a physical or mental defect, or has difficulty caring for himself in his residence, can be admitted to one of 31 sanatoriums. They are of two types, no cost or low cost, based on ability to pay.

430. Pursuant to article 11 of the above-mentioned Act, an aged person who has a physical or mental disability can receive assistance in his house from social workers, health care workers and household workers. This work is done on a voluntary basis to make old age more comfortable.

H. Counter-plans against endemic and occupational diseases

1. Endemic diseases

431. Chlornochinsis of the liver is predominant in Korea, China and a few other Far Eastern countries. The control of this disease was difficult before the recent pharmacological development of praziquantel. This drug is made available to inhabitants of the Nakdong River basin free of charge.

2. Occupational diseases

432. In accordance with the Industrial Safety and Health Act of Korea (31 December 1981) plans were made for the prevention and effective management of occupational diseases. On 14 July 1991, a comprehensive plan for the prevention of occupational diseases was enacted. The Act on the Prevention of Pneumoconiosis and Protection of Pneumoconiosis Workers (31 December 1984) was specifically designed to promote the health of coal mine workers.

433. To provide adequate health care for workers, the health care delivery system has been redesigned as a primary preventive care system, with carefully selected medical doctors, industrial hygienists and nurses. They ensure the provision of workers' health care. A thorough health examination at the time of employment is required to confirm a worker's health condition. The data obtained is used to prevent, detect and treat occupational diseases.

434. The scope and periodicity of workers' health examinations depend on the nature of the work and the rate of occurrence of occupation-related diseases. According to this system, if a working environment is poor, an intensive health examination and an inspection of the working environment will be held. However, if a working environment is good this process will not occur.

435. Nevertheless, occupational diseases may occur even in industries with a good work environment. Therefore, at-risk workers (long-term workers, those working in high temperatures, etc.) who have a greater likelihood of coming down with occupational diseases are examined twice a year. Workers suspected of having occupational diseases are transferred to safer duties or have their work hours reduced. Overtime work in a hazardous working environment is prohibited by law.

436. A health control booklet is issued to workers who deal with 11 hazardous substances, including those known to be carcinogenic, such as chromium, asbestos and coke. These workers are carefully checked for maladies, even after their retirement. Special regulations were also issued for the use of lead, mercury and cadmium. Lastly, guidance is given for industries to improve working conditions.

437. Patients with occupational diseases are promptly referred to specialized hospitals and institutions for immediate diagnosis and adequate treatment. Suspected workers can be treated free of charge.

438. In order to pursue research on occupational diseases, the Industrial Health Research Institute was established. Hospitals affiliated with national universities are establishing departments of industrial health.

I. Community involvement

439. In order to facilitate Koreans to participate in improving their health, Health Care Councils were established at the township level in 1986 and Primary Health Care Councils were established at the village level in 1981. These Councils participate in planning and implementing health care programmes at the township and village levels. In addition, women who are literate and active can work as village health volunteers, backing up the community health practitioners. Their function is to make home visits, give advice on health matters, refer cases to the community health practitioner, and collect data related to health care.

J. Health education and public information

440. The Government of the Republic of Korea has established a Division of Health Education in the Ministry of Health and Social Affairs to carry out health education and public information services in cooperation with local autonomous entities, such as cities and provinces, and non-governmental facilities such as the Korean Institute of Health and Social Affairs.

441. Health education covers the prevention of diseases, such as acute and chronic communicable and adult diseases, the improvement of food hygiene, nutritional guidelines, and the establishment of adequate health habits. Magazines, pamphlets, video tapes, slides, and books are used for health education.

Health education materials a/

(1982-1991)

Section	Communicable	Population	Sex education	Parasite control	Adult disease	Food and nutrition	Hygiene	Others (narcotics)	Total
Movies	4	14	24	1			4	2	49
Video tapes	7	3	20	7	5	4	3	13	62
Slides	9	12	10	1	8	4	6	17	67
Books	13	16	7		6	7		36	85
Booklets	11	14	5		5	7		20	62

a/ Excludes pamphlets, posters, slogans.

442. The implementation of health education programmes has had a positive impact in Korea. The population growth rate fell to 0.93 per cent in 1990. The prevalence of infectious diseases has dropped from 198.4 per 100,000 in 1961, to 3.2 in 1991 and the prevalence of tuberculosis, leprosy, and parasitic diseases fell to 1.8, 0.054, 0.9 per 100, respectively.

443. Because there is a likelihood that the mortality rate from non-communicable diseases, such as cardiovascular diseases and malignant neoplasm will increase greatly, health education and public information programmes will also focus on this kind of disease control and provide information about proper exercise, nutrition, and relaxation for the purpose of improving the quality of health.

Article 13. Right to education

A. Educational idea and school system

444. "The identical status as the king, father and teacher", is a saying popular in Korea from ancient times. This saying implies the importance of the teacher, and implies the importance of education as well. In Korea, education enjoys a place as one of the most cherished values. Education has been the impetus to the economic development that Korea accomplished during the 1960s and 1970s.

445. The educational aim of Korea is enshrined in the first article of the Education Act, the fundamental Korean education law. That article decrees:

> "Education aims to help all Korean people perfect their character, acquire an independent ability of life, attain desirable qualities of citizenship, serve the development of the democratic nation and contribute to realizing the ideal of the commonwealth of human beings."

The article includes international ethics as well as individual, social and national ethics.

446. The current Korean school system was established in the 1950s with some revisions since. However, it retains the basic structure of the 6-3-3-4 system: six years of primary school, three years of middle school, three years of high school and four years of university. With a single-track school system that emphasizes equality, the Korean philosophy is that the extension of educational opportunity is a fundamental doctrine of educational policy.

447. As of April 1991, the educational programme was proceeding very successfully. Enrolment totalled 11 million students, or one fourth of the whole population, and there were 390,000 teachers and approximately 19,000 schools. Supporting this system are the Ministry of Education, 15 municipal and provincial Offices of Education, and 179 local Offices of Education.

448. The current school system of the Republic of Korea is as follows:

Age					
22 and above	Graduate school				
18 and above	University and college	Teacher's college	College of education, junior college	Korea corres. univ.	Open college
15-17	High school	Air and correspondence high school	High school annexed to industry	Special class	
12-14	Middle school	Air and correspondence middle school	Middle school annexed to industry	Special class	
6-11	Primary school				
3-5	Kindergarten and pre-school				

B. <u>The right to education and free education</u>

449. The Constitution of the Republic of Korea provides the people with the right and duty to attend a six-year course of primary education, and other educational courses laid down by law in order to realize the right to education. (Constitution, art. 31, paras. 1 and 2). Compulsory education is by law free of charge. (Constitution, art. 31, para. 3).

450. The Education Act prescribes that all people have the right to six years of primary education and three years of secondary education. The law also

requires the Government and regional authorities to administer compulsory education free of charge, and to take measures necessary to provide educational facilities and to establish and manage elementary and middle schools.

451. Free and compulsory education in elementary schools, dating back to 1948, is being successfully carried out. Children who are unable to attend school owing to physical handicap, serious illness, constitutional infirmity, incomplete development, or other unavoidable conditions, are exempted from attending.

452. Primary education is composed of nine subjects: Korean language, mathematics, moral education, social studies, natural science, physical education, music, fine arts and business skills. Extracurricular activities are provided for the purpose of accomplishing the goals of basic primary education. The Sixth Curriculum, which is being revised and is scheduled for reimplementation in 1995, emphasizes the formulation of basic habits and manners for first and second graders. The Curriculum also encourages the establishment of various activities to help children understand the world and to cooperate with others as a part of efforts to foster the qualities of global citizenship.

1. Secondary education

453. Children who have completed primary education have the right to middle school education. This is also their obligation. (Constitution, art. 31, and Education Act, art. 8). Free middle school education requires a tremendous expenditure and the Government is expanding the free middle school system step-by-step in accordance with its financial capability. By 1992 students on remote islands and in country regions were gaining access to middle school education.

454. As of April 1991, the middle school entrance ratio of primary school graduates was over 99.8 per cent. The free compulsory education ratio in the middle school education system is 12.7 per cent and this ratio is to rise to 18.6 per cent in 1993 and 24.2 per cent in 1994.

455. Middle school education consists of Korean history, Chinese characters and a foreign language (English), in addition to the subjects taught in primary school. The new Curriculum expected to be implemented in 1995 meets the contemporary social and cultural demands and grants more flexibility for elective subjects, such as computers, the environment, etc. The understanding of many problems facing us today, such as diseases, poverty, famine and starvation, the population explosion, and the environment, are emphasized.

456. Graduates from middle schools are likely to advance either to vocational high schools or general high schools, according to their own choice. The percentage of those advancing to high school was 97.4 in April 1991, and the ratio of vocational high schools to general high schools is approximately 1:2.

457. Since high school education is not compulsory, free education is not available at this stage. However, many students are granted allowances and some students benefit from a reduction in or an exemption from school expenses.

458. In high schools 14 subjects are taught: Korean language, Korean history, social studies, moral education, mathematics, science, physical education, training, music, fine arts, Chinese characters, foreign languages (including a second foreign language), business and home economics, as well as optional academic subjects, and extracurricular activities.

459. Vocational high schools (including agricultural, engineering, commercial, fishery and maritime, and business high schools) and miscellaneous high schools (including science, physical education and fine arts high schools) are permitted to establish various specialty subjects.

460. The Sixth Curriculum reinforces culture and foreign language education and establishes such new subjects as environmental science, and jobs and careers, in order to enhance the contemporary, social and individual relevance of the content of education. Municipal and provincial education offices are given greater rights to reshape and rearrange the school curriculum and are allowed to direct the content of education according to regional and school situations. The necessity of international understanding and cooperation is reflected to deepen the understanding of international interdependence and international affairs.

461. Two types of vocational and technical education exist: one in vocational high schools and the other in general high schools. The aims of education in vocational schools are to provide the engineering and technical manpower needed for industry, to increase employment opportunities, and to teach self-reliance and a positive attitude towards one's career. The current statistics on vocational education are as follow:

Status of vocational education

(April 1991)

Classification	No. of schools	Enrolments
Agricultural	96	44 264
Engineering	168	204 917
Commercial	394	445 625
Fishery and maritime	14	9 115
Total	672	703 921

Source: Bureau of Science Education, Ministry of Education.

462. Vocational education in general high schools is provided for students wishing to work after school or to give up higher education. The content and method of education are similar to those of vocational high schools. As of

March 1992, a total of 48,856 students in general high schools are receiving vocational training in their own schools or in trade schools, engineering schools and private academies. The employment percentage of students who finish these training courses exceeds 90 per cent.

463. The Government is making efforts to eliminate the discrepancy between educational conditions in rural and urban areas through the Education Promotion Act for Remote Islands and Out-of-the-Way Rural Areas (16 January 1967), and the Regulations for Implementing Compulsory Education in Middle Schools (21 February 1985). The Government also provides free education on a priority basis for middle school students who reside in rural areas having relatively poor educational circumstances. It is also taking high school students in those areas into favourable consideration when granting various school allowances. Expenditure for secondary education in 1991 amounted to 1,908.8 billion won for middle school education (public and private) and 2,166.2 billion won for high school education (public and private), totalling 4,750 billion won.

2. Higher education

464. The status of higher education institutions in Korea is as follows:

(April 1991)

Classification	Total		Public		Private	
	Schools	Enrolments	Schools	Enrolments	Schools	Enrolments
Universities	115	1 052 140	24	257 073	91	795 067
Teachers' colleges	11	16 019	11	16 019	-	-
Open colleges	8	57 381	5	27 109	3	30 272
Air and corres. colleges	1	163 433	1	163 433	-	-
Junior colleges	118	359 049	14	26 676	104	332 373
Grand total	253	1 648 022	55	490 310	198	1 157 712

Source: 1991 Annual Report of Educational Statistics, The National Institute of Educational Evaluation.

465. The opportunity for higher education in Korea is comparatively large. The percentage of university entrants was 45.9 per cent of high school graduates in 1991. The number of university students per 10,000 was 405.1 in 1991, compared to 173 in 1980.

466. Expenditure for higher education in 1991 was 524.2 billion won for national and public universities and 2,058 billion won for private institutes, totalling 2,582.2 billion won.

467. In order to ensure the opportunity for higher education, the Government loans tuition fees on a long-term low interest basis to relatively poor students. It also pays half of the loan interest. Students are required to pay back the loans in instalments, with interest payments beginning five years after graduation.

468. Dormitories and other facilities are provided for students. All institutes are obliged to build dormitory facilities which can accommodate over 15 per cent of their total enrolment, (Ordinance Standards, art. 12, para. 3). The Government is taking steps to loan funds and reduce taxes in order to support the expansion of dormitory facilities.

3. Other opportunities for education

469. In order to promote the harmonious physical and mental development of preschool children aged between three and five years, nursery schools and kindergartens have been established (Education Act, arts. 146 and 148, and Preschool Education Promotion Act, art. 2). In April 1991, enrolment in nursery schools and kindergartens was 52.4 per cent of the eligible population. The Government plans to increase the opportunity for children to attend kindergarten by stepping up financial support. The following tables provide information on nursery schools and kindergartens, as well as future plans to enlarge preschool education opportunities:

Number of kindergartens and nursery schools

(April 1991)

Classification	Target population	Enrolments	Percentage	Remarks
Kindergarten	649 222	281 953	43.4	Based on five-year olds
Nursery school		58 005	9.0	
Total		339 958	52.4	

Plan to expand access to kindergartens

	1992	1993	1994	1995	1996
Target population	650 982	659 728	666 591	672 021	676 504
Enrolments	355 532	359 913	363 292	383 052	402 520
Kindergartens and nursery schools	9 860	9 435	9 911	10 200	10 474
Percentage of enrolments	54.6	54.6	54.5	57.0	59.5

Source: Bureau of Primary and Secondary Education, Ministry of Education.

470. For those who failed to receive primary education or failed to complete the whole six-year course, some civic schools were established (Education Act, arts. 10, 137-142). But compulsory primary education has been almost completely realized and the only civic school remaining has no applicants, and is likely to be shut down soon. The number of higher civic schools, which admit graduates from primary civic schools, is also dwindling sharply: 19 schools in 1989, 14 in 1990, 12 in 1991.

471. Some air and correspondence middle and high schools, night schools, and classes attached to industries have been established for employed youth who cannot get a formal education. (Education Act, art. 103, paras. 3 and 4, and art. 107, paras. 3 and 4). The status of those institutions is as follows:

Alternative schools for youth workers

(April 1991)

Classification	No. of Schools	Enrolments
Air and correspondence high school	50 (attached)	28 578
Schools attached to industries	41	27 954
(middle school)	(2)	(86)
(high school)	(39)	(27 868)
Night classes attached to industries	10 229	58 764
(middle school)		(1 118)
(high school)		(57 646)

Source: 1991 Annual Report of Educational Statistics, The National Institute of Educational Evaluation.

472. In addition to these institutions, the Government is enlarging the right of the people to education by means of granting equivalent formal school certificates to those who have passed the Government-sponsored certification examinations, thus completing the school curriculum in non-formal education institutions or other facilities specified by the regulations of particular statutes, such as the Reformatory Act. (Enforcement Ordinance of Education Act, arts. 79 and 82, and Reformatory Act, art. 29.)

473. The Reformatory Act (31 December 1988) provides young internees of school age access to the same certificates as those in formal schools after they complete the necessary courses.

474. As of 1991, a total of 23 school reformatories exist, the equivalent of 11 primary schools, 8 middle school and 4 high school level, in which 403 internees are following courses of instruction. On completing these courses, the internees are provided with certificates issued by the principals of the

schools. Internees who leave the reformatories halfway through the courses are permitted to re-enrol in formal schools. (Reformatory Act, art. 32.)

475. As of April 1991, schools in the Republic of Korea had a total enrolment of 11,275,304 students, including 5,185,281 female students or 45.99 per cent of the whole student population. There is not a large difference in the percentage of male and female enrolment in kindergarten, primary school, middle and high school. With respect to higher education, the percentage of female students falls a little. However, the reason is not deemed to be because of the school system or educational policies. Korea is witnessing a growth in women's universities. In the case of teachers' colleges, the percentage of female students reached 67.99 per cent in April 1991.

C. Difficulties in realizing the right to education

476. The major difficulty facing the realization of the right to education is fiscal. To tackle the problems, the Government is increasing the appropriation for education in the national budget.

477. In accordance with its efforts, in 1989 the Government enacted the Special Accounts Act for Improving Educational Conditions, for the purpose of improving teachers' job conditions, and educational surroundings and facilities. Since 1990, the Government has appropriated 370 billion won annually for three years, totalling 1,110 billion won.

478. To lessen pressure to gain admittance to a university, the Government is proceeding with its reformation of the high school education system, and the modulation of the wage system in the labour market. It is also planning to increase the university enrolment quotas during the years 1992 to 1996: 70,000 additional places in junior colleges and 30,000 in universities and colleges will be made available.

D. Lifelong education

479. The Constitution (art. 31, para. 5) stipulates that "the State shall promote lifelong education". In accordance with this provision, the Government has not only enacted the Social Education Act (31 December 1982), the Act regarding Attaining Certificates through Self-education (7 April 1990), the Education Act, articles 128.6 and 128.7, and so forth, but has established and operated air and correspondence colleges and open colleges, and encouraged the establishment of more such programmes. In comparison with formal education, these fields have received less attention. However, their importance is gaining more recognition.

480. As of April 1991, one air and correspondence college and eight open colleges had had an enrolment of approximately 220,000 undergraduates, and had so far produced 157,317 graduates.

481. The system of self-education was implemented in 1990 in order to provide opportunities for further education to those who failed to go on to more formal higher education, owing to such restrictions as economic conditions,

time shortages, etc. They now have the chance to obtain a bachelor's degree by passing a four-step national examination. In 1991, 6,872 applicants had passed the first examination and 991 the second step.

482. The expansion of opportunities for non-formal and adult education has contributed to social industrial development, and maximized the effect of educational investment.

1. Years of education

483. The average number of years of education is shown by sex and age-groups in the following table.

Years of education

(Unit: one year)

Classification	Average	6-19	20-29	30-39	40-49	50-59
1975	6.62	6.16	8.83	8.12	6.26	2.75
(M)	7.61	6.26	9.25	9.33	7.90	4.02
(F)	5.70	6.08	8.41	6.88	4.75	1.72
1980	7.61	6.53	9.88	9.17	7.52	4.16
(M)	8.67	6.60	10.33	10.19	9.01	5.03
(F)	6.63	6.10	9.44	8.10	5.95	2.25
1985	8.58	6.71	10.96	10.12	8.52	4.55
(M)	9.66	6.71	11.34	10.93	9.88	6.49
(F)	7.58	6.71	10.61	9.28	7.14	3.08

Source: 1985 General Census of the Economic Planning Bureau.

As shown in the above table, the average years of schooling of the Korean people are gradually increasing and the right of the people to education is being more fully realized.

2. Status of facilities for non-formal education

484. Non-formal education facilities are divided into four types: general social facilities, school-type facilities, non-formal education facilities annexed to universities and private academies.

485. The general social facilities are those registered under the jurisdiction of the municipal and provincial education offices, and operated by individuals in accordance with the provisions of article 21 of the Social Education Act. These institutions offer adults and youth various educational programmes regarding basic cultural studies, health, hobbies and knowledge of the traditional Korean heritage.

Status of general social facilities

(December 1991)

	Grand total	Before 1986	After 1987					
			Total	1987	1988	1989	1990	1991
Facilities	14	3	11	2	2	4	-	3
Enrolment	7 916	1 600	6 316	310	1 370	2 016	-	2 620

Source: Bureau of Non-formal and International Education, Ministry of Education.

486. Social education facilities are those registered under the jurisdiction of municipal and provincial education offices and operated in accordance with the provisions of article 21 of the Social Education Act. They are divided into two types, one authorized to issue the same certificates as formal educational institutes, the other not.

487. The non-formal education facilities are annexed to universities and are registered with the Ministry of Education in accordance with the provisions of article 26 of the Social Education Act. They play a very important role in adult education.

Status of facilities annexed to universities

(December 1991)

Classification	Grand total	Before 1986	After 1987					
			Total	1987	1988	1989	1990	1991
Facilities	32	3	29	6	5	4	6	8
Enrolment	32 668	5 650	27 018	11 760	3 420	2 008	5 375	4 455

Source: 1991 Handbook of Educational Statistics, the National Institute of Educational Evaluation.

488. Private academies are registered and authorized facilities under the jurisdiction of municipal and provincial education offices and operated by individuals in accordance with the provisions of article 5 of the Act regarding the Establishment and Management of Private Academies. They offer about 400 varied education programmes in the areas of culture, know-how, technology, and artistic skills to children, youths and adults. In consideration of the number of the facilities and their enrolments, they are playing a great part in non-formal education.

Status of private academies

Classification	Grand total	Before 1986	After 1987					
			Total	1987	1988	1989	1990	1991
Facilities	43 292	15 019	28 273	3 249	5 094	8 085	2 785	9 096
Enrolment	7 077 838	1 817 472	5 260 366	735 290	869 367	1 495 315	11 333 327	1 027 067

Source: Bureau of Non-formal and International Education, Ministry of Education.

E. Educational investment

489. The Republic of Korea acknowledges that educational investment is the prerequisite of individual and national development, and places strong emphasis on raising its education budget up to an appropriate level. This is a cornerstone for realizing the right to education guaranteed by article 31 of the Constitution. The education budget is spent supporting local Government educational initiatives, financing private education, providing vocational and trade education, in-service training of teachers, and expanding educational opportunities.

490. The central Government is appropriating a great part of its national budget for teachers' salaries in public (free) educational institutions; 11.8 per cent of total internal taxes and other special subsidies are spent in support of primary and secondary education.

491. Since 1991, the Government has supplied grants to local authorities for local education and provided for increased local autonomy in the educational system (Subsidy Law for Local Education of 31 December 1990). Its revenue source is the education tax. Local Government education grants, which amounted to 550 billion won in 1990 and 1,436 billion won in 1991 are quite substantial when compared with average local Government education budgets.

492. The education budget is continuing to expand year by year, as shown in the following table. This trend is expected to continue.

Scale of educational budgets

(Unit: 100 million won)

Year	GNP (A)	Budget (B)	Education budget (C)	Local education budget (D)	% C/B	C/A
1980	367 497	64 668	11 509	9 288	17.8	3.1
1985	780 884	125 324	24 923	21 239	19.9	3.2
1990	1 660 600	274 557	55 715	48 369	20.3	3.4
1991	1 977 400	333 753	69 955	61 224	21.0	3.5
1992	2 263 730	362 239	82 063	71 932	22.7	3.6

Source: Planning and Management Office, Ministry of Education.

493. The following table shows the Government's plan for constructing new schools.

Classification	No. of schools	Construction plan (1992-1996)
Primary school	6 245	360
Middle school	2 498	250
High school	1 702	84

Source: Bureau of Primary and Secondary Education, Ministry of Education.

494. A shortage of schools still exists in urban areas, though not in rural areas. Some rural schools even lack enough students owing to a reduction in the rural population. Oversized classes, large-scale schools, and double-shift teaching exist in some urban areas. The current status is shown below.

Status of school classes

(April 1991)

Classification	Students	Schools	Classes	Double-shift classes	Oversized schools (over 49 classes in primary schools and 31 in middle and high schools)
Primary school	4 758 505	6 245	117 171	7 007	678
Middle school	2 232 330	2 498	45 727	none	448
High school	2 210 912	1 702	43 513	none	700

Source: Bureau of Primary and Secondary Education, Ministry of Education.

495. Owing to the continual increase in educational investment, class sizes are shrinking gradually. As of April 1991, the average class size in primary schools is 40.6 students, middle schools 48.8 and high schools 50.6. (cf. 51.5, 65.5 and 58.1 in 1980).

F. Research, scholarship system and minority education

1. Research and scholarship for promoting literacy

496. The Republic of Korea has systematically administered free and compulsory primary education since 1948, and owes much of the credit for its economic development to its people's strong educational fervour. Illiteracy on the level of the traditional concept, that of word reading, has been substantially overcome. For the purpose of overcoming illiteracy entirely, the Government is taking a series of measures to boost the sense of duty of teachers, eliminate over-sized classes and schools, develop more effective teaching-learning methods, introduce new educational engineering skills, and to improve evaluation methods. According to a recent research report from the Korea Educational Development Institute, the percentage of illiteracy in Korea in 1989 was 9.1 per cent in the field of basic reading comprehension, and 8.2 per cent in the field of survival skills.

497. In regard to its research and scholarship system, the Republic of Korea has established and managed the Korean Academy, the Korean History Compilation Committee, and the National Institute of Educational Evaluation as research institutions attached directly to the Ministry of Education. The Korea Educational Development Institute, the Academy for Korean Studies, and the

Korea Research Foundation function as research institutions directly subsidized by the Government. In addition to these, the Government is granting quite large sums from the Academic Research Promotion Fund to support the educational research activities of university professors and researchers. Many educational research institutes, annexed to municipal and provincial education offices, are alive with vigorous educational research activities.

498. The Republic of Korea regards raising the qualifications of its teaching staff as a major factor for the quality control of education, and regards as important high-quality in-service training of teachers, as well as the recruitment of excellent teaching staff. The in-service training of teachers is divided into two types: domestic and overseas. Domestic courses for enhancing the specialization and quality of teachers are being established and administered on four different bases: general training courses for enhancement of general know-how concerning educational theories and methods; qualification courses for the attainment of higher qualification certificates, job training courses for the promotion of job performance skills and better adjustment to new workplaces; and certain special courses.

499. Overseas training courses are available to provide teachers with the chance to expand their outlook by experiencing the educational milieu and living conditions in foreign countries. This also serves to boost their morale and sense of duty. Until 1987, the number of trainees was small: around 300 to 400 yearly. However, since 1988, these overseas programmes have expanded. At present, over 3,000 trainees are studying abroad, in America, Europe and in other Asian countries. Approximately 200 foreign language teachers are being trained overseas yearly to improve their teaching methods, to study foreign language instruction skills, and improve their listening and speaking skills.

500. The Ministry of Education is also devising annual school review plans. Municipal and provincial education offices also work out review plans and carry them out. These plans are meant to nurture democratic citizens, enhance student morality, better the educational system and process, and establish an effective support system for teachers. In particular, the intention is to improve the educational quality of the schools and to help develop the wholesome growth of students.

2. Programmes for handicapped students

501. The Republic of Korea has many special institutes for handicapped children, established in accordance with the Education Act (arts. 143-145). They are supported pursuant to the Special Education Promotion Act (31 December 1977) and its enforcement ordinance.

Programmes for handicapped students

(April 1991)

Classification		Schools	Classes	Enrolment	Remarks
Special school	Blind	12	151	1 432	Primary school level: 13
	Deaf	21	401	4 256	
	Mental	56	1 099	12 448	Primary and middle school level: 16
	Physical	13	178	2 078	
	Total	102	1 829	20 214	Primary and secondary school level: 73
Special class in general school		2 499	3 248	28 795	

Source: Bureau of Primary and Secondary Education, Ministry of Education.

502. The actual management of special education varies according to factors such as regional economic conditions, the distribution of handicapped children, their degrees of handicap, etc. There exist: special schools, special schools within welfare facilities, special classes by handicap types, special teachers in welfare facilities, and home service education.

503. Education is delivered to targeted handicapped students free of charge. Admission fees, tuition, and textbook charges are exempted, and school bus fees and dormitory expenses are in part or wholly provided (Special Education Promotion Act, art. 5). Private special schools are also subsidized for certain expenditures. The special education budget was 60,879 million won in 1990 and 67,370 million won in 1991.

504. Since handicapped students have some difficulties in securing employment, vocational education in special high schools, and post-high school speciality courses (for 1-2 years) will be provided to help them secure employment, beginning in 1993.

505. When foreigners or Korean emigrants overseas want to study in Korea, their educational backgrounds abroad are fully acknowledged (Enforcement Ordinance for Education Act, arts. 79-82). To facilitate their admission to universities, exceptional entrance examinations are recognized to make up for linguistic and other disadvantages. (Education Act, art. 107.2, Enforcement Ordinance for Education Act, arts. 69, 71.2, and Ordinance for University Enrolment Quotas, art. 2).

506. As of April 1991, the number of foreign students studying in Korea reached 2,272, including 783 Korean emigrants. To assist them to acquire the Korean language, language institutions are run by Seoul National University,

Yonsei University, Korea University, Sogang University and Ewha Woman's University. The Ministry of Education also runs the International Education Promotion Institute for the same purpose.

3. Scholarships and exemption from or reduction in school expenses

507. The Republic of Korea has made it known that talented students should be granted scholarships or assisted with school expenses (Education Act, art. 158). It has enacted the Scholarship Act, as well as many individual statutes to regulate the scholarship grant procedure.

508. A substantial number of scholarships are donated by scholarship foundations and social organizations. For example, the Korean Scholarship Foundation was founded with a government subsidy of 20 billion won (Korean Scholarship Foundation Act, 31 March 1989) and is now granting scholarships. The principal in this account has reached 80,400 million won.

509. Total scholarships granted from such fund raisers as the central government, local governments and scholarship foundations are depicted in the following table, which also provides figures on exemptions from and reductions in educational expenses, such as tuition, parent-teacher association fees, admission fees, etc.

Scholarships

(December 1991)

Classification	Enrolment	Amount	Percentage	Amount per head (won)	Remarks
Middle school	2 232 290	215 007 (392 368)	9.6 (17.58)	94 418 (65 360)	Amounts in parentheses are exemptions from and reductions of school expenses
High school	2 211 082	354 701 (232 646)	16.04 (10.52)	286 498 (422 829)	
Junior university	359 049	8 629 (92 152)	2.4 (33.16)	275,639 (202 457)	
University	1 052 140	62 068 (412 578)	5.9 (39.21)	480 300 (331 560)	

Source: 1991 Handbook of Educational Statistics, The National Institute of Educational Evaluation.

G. Teaching conditions

510. Respect for teachers in Korea is a value that has prevailed for ages. This value is recognized in the Constitution, article 31, paragraph 6, which stipulates that the fundamental matters pertaining to the status of teachers shall be determined by law, and also in the Education Act, articles 13 and 80, which provide that the economic and social conditions of teachers shall be

respected in the proper way and their status shall be guaranteed. The Government is making every effort to continue the respect for teachers and to ensure that teachers bring pride and a sense of duty to their teaching activities. This is one of the purposes of the Special Act for Improving the Status of Teachers (31 May 1991).

511. In consideration of the importance of the teaching profession, the Government has established teacher education institutes separate from general universities to train qualified applicants for the profession. Those who meet a school's requirements are granted teaching certificates. Appointments to teaching posts are based on the results of open tests (Educational Civil Servant Act, art. 11, para. 1).

512. With respect to the social security system for teachers, the Medial Security Act for Civil Servants and Private School Teaching Staff, the Civil Servant Pension Act, and the Pension Act for Private School Teaching Staff, have been enacted in observance of the UNESCO "Recommendation concerning the Status of Teachers". The security fund system for school injuries protects teachers and students in case of unexpected injuries.

513. The Government manages various health and welfare enterprises in order to promote the health and welfare of its teachers, such as housing cooperatives for homeless teachers, the provision of national houses and housing loans, the establishment of teacher vacation facilities, free admission to various cultural facilities, and the building and rebuilding of accommodation for teachers on remote islands and in out-of-the-way rural areas.

514. Teachers in primary and secondary education are employed until retirement. The retirement age is 65, in accordance with article 47 of the Civil Servant Act.

515. Teaching staff in tertiary education are classified into those whose retirement age is guaranteed (professors and associate professors), and those who are employed for given periods (assistant professors, full-time lecturers and assistant teachers). (Recruitment Ordinance for Educational Civil Servants, art. 5.2). In the case of the latter, there are few cases of retirement against their will before the given retirement age.

516. Article 43 of the Educational Civil Servant Act provides that:

> "The rights of teachers shall be respected, their special position and status shall not be interfered with in an irregular manner; they are free from suspension, demotion and dismissal against their will without proper reasons prescribed in law, such as sentences of penalty or disciplinary actions; and they may not be discharged through coercion."

The Private School Act, article 56 has the same intention. Article 48 of the Educational Civil Servant Act provides that "Teachers shall not be arrested on the premises of their schools without the consent of their headmaster unless they are caught in a criminal act".

517. In disciplinary proceedings, teachers have the right to make oral and written statements and the right to challenge the disciplinary committee

(Disciplinary Ordinance for Educational Civil Servants, arts. 9 and 13 and Private School Act, art. 63 and art. 65, para. 1). The Ministry of Education runs the Review Committee for Teacher Disciplinary Actions, established on 31 May 1991, to re-examine all disciplinary measures taken against the teaching staff of national, public and private schools against their will (Special Act for Improving Status of Teachers, art. 7). This contributes to the protection of the rights of teachers. The security of teachers can be compared to that of other civil servants or employees.

H. Private schools

518. Those wishing to establish private schools encounter no particular problems in the case of primary and secondary education institutions. However, in the case of higher education they are sure to face difficulties as it is government policy to control the establishment of such institutions to provide for an orderly system, so that the enormous funds needed for the establishment of higher education facilities are wisely spent. This is necessary to control the quality of higher education and to rationalize manpower.

Status of private schools

(April 1991)

	Schools	Private schools (%)	Total students	Private school students (%)
Preschool	8 421	3 798 (45.10)	425 535	307 657 (72.29)
Primary school	6 245	76 (1.22)	4 758 505	69 647 (1.46)
Middle school	2 498	705 (28.22)	2 232 330	620 441 (27.79)
High school	1 702	860 (50.53)	2 210 912	1 365 650 (61.76)
Junior university	118	104 (88.1)	359 049	332 373 (92.57)
University	135	94 (73.54)	1 288 973	825 339 (64.03)
Total	19 119	5 637 (29.55)	11 275 304	3 521 109 (31.34)

519. Students are assigned to a primary school (except for private schools), and middle schools and high schools in their region (except for high schools for specific purposes). The opportunity to be admitted to private schools is somewhat limited. However, there is no great divergency of curriculum between public and private schools, so this limitation is not a serious problem. The Government is making every effort not to infringe freedom of religion through measures such as the optional choice of elective religious subjects.

I. Guarantee of educational autonomy

520. Since the Republic of Korea pays high respect to the importance of education, it has no policies intentionally hindering the realization of the people's right to education. Moreover, the Constitution guarantees the independence, speciality and political neutrality of education, and the autonomy of universities and colleges (art. 31, para. 4), and provides for the enactment of laws in regard to the basic considerations of the educational system, its administration, financing and the status of teachers (art. 31, para. 6). These provisions stress the importance of education and provide guiding principles. For the embodiment of these principles, many statutes concerning education, besides the Education Act and Private School Act, are enforced. The Government is whole-heartedly striving to promote educational development.

J. International cooperation for realizing the right to education

521. The fundamental difficulty existing in the realization of the right to education can be found in the shortage of educational financing. The Government is continuing to increase its educational investment. It is also necessary for the Government to cooperate with international organizations, foreign Governments, civilian institutions and individuals overseas to solve educational problems.

522. The Republic of Korea is making efforts to enhance international exchanges and cooperation. It has concluded cultural agreements with 65 countries and has agreed to establish cultural committees with 16 countries. It is also taking an active part in UNESCO activities. Its major programmes include research, lectures, academic seminars, information exchanges, publication of books, detachment of research personnel, and various research grants.

Article 14: Free compulsory education

523. The Republic of Korea has realized free compulsory primary education as spelt out in this report with respect to article 13, and is approaching the realization of compulsory education in middle schools.

Article 15: Right to take part in cultural life and to enjoy the benefits of scientific progress

A. Right to take part in cultural life and cultural policy

1. Right to take part in cultural life

524. The Republic of Korea has a long history and a brilliant cultural heritage. Korea has had its own culture since ancient times, as well as the influence of cultures of other Asian countries which had been integrated into Korean culture. Traditional cultural properties across the country are well preserved, and the tradition of love of the arts and sciences is evident in most local communities. Aided by and corresponding to its economic development, Korea is witnessing the deepening interest of its people in culture and the arts, and more numerous cultural and artistic activities.

525. The cultural rights of the people are an inherent part of human dignity and are protected by the Korean Constitution, article 9 of which reads: "The State shall strive to sustain and develop the cultural heritage and to enhance national culture". The State, therefore, has a cultural obligation. Furthermore, article 22 of the Constitution provides that "All citizens shall enjoy freedom of learning and the arts", and that "The rights of authors, inventors, scientists, engineers and artists shall be protected by law".

526. Article 11 (1) provides that "All citizens shall be equal before the law, and there shall be no discrimination in political, economic, social or cultural life on account of sex, religion or social status". The Constitution bestows upon all citizens the right to participate in cultural life without discrimination, and upon authors, scientists, engineers and artists the right to have their interests protected by law.

2. Cultural policies

527. In 1990, the Republic of Korea established its 10-year Cultural Development Plan, announcing the following five "cultural frames" to realize a cultural-welfare State:

(a) "Frame of welfare culture" for a fertile spirit and mind;

(b) "Frame of reconciliation culture" to resolve the conflict structure;

(c) "Frame of national culture" for a leading role in the Age of the Pacific Rim;

(d) "Frame of open culture" suitable to a post-industrial society;

(e) "Frame of unification policy" to prepare for the age of South-North Korean cooperation.

528. Major projects of the 10-year Cultural Development Plan to build the above-mentioned "cultural frames" are:

(a) Projects for: the training and licensing of professional artists to enhance cultural creativity, the expansion of spaces devoted to artistic creation, the improvement of the environment for artistic creation, and projects to guarantee cultural creative functions to those designated as masters of traditional arts, crafts, ritual, plays, etc. (human cultural properties);

(b) Projects to improve cultural distribution and flow, to strengthen the cultural media, create urban spaces for cultural creation, to preserve the national cultural legacy, establish cultural organizations, and to reorganize the existing ones to function better;

(c) Projects to foster cultural sensibility and to establish cultural values for the people, to expand local bases, to popularize regional cultures, to improve approaches to culture, to spread good quality living culture, to expand the cultural family movement, and to restore a homogeneous culture on the Korean peninsula;

(d) Projects to introduce Korean culture in the promotion of international cultural exchanges, to help spread Korean culture in Asian countries, and to strengthen the capability for cultural diplomacy.

529. In the Cultural Arts Promotion Act, the month of October was designated as the "Month of Culture" and 20 October as the "Day of Culture" to help people better appreciate the importance of culture. Each year, a certain arts genre is selected for substantial support, so that all arts genres may be developed through concentrated support over a number of years.

530. In the Republic of Korea various cultural events are held throughout the year. The following are some of the more important ones:

Month	Events
January	New Year's Music Concert
April	Taejong-sang (Grand Bell Award) for motion pictures
May	The Republic of Korea Photographic Exhibition The Republic of Korea Handicraft Arts Exhibition The Republic of Korea Calligraphic Exhibition
June	All-Korea Drama Festival
September	The Republic of Korea Fine Arts Exhibition The Republic of Korea Dance Festival
September or October	All-Korea Folk Arts Competition, Traditional Handicraft Exhibition
October	Day of Cultural Observance, awarding of the Republic of Korea Culture-Arts Award, Han-gul (Korean Alphabet) Day Observance, awarding of the Sejong Cultural Award and the Academy of Arts Award
November	The Republic of Korea Architecture Exhibition The Republic of Korea Music Festival The Republic of Korea Traditional Music Festival

3. Culture-related organizations

(a) Ministry of culture

531. The Ministry of Culture, created on 3 January 1990, carries out policies and programmes to improve the cultural life of the people, including the realization of cultural welfare, the promotion of culture and the arts and the preservation and transmission of traditional culture to future generations.

532. The programmes include those designed to support the people's leisure life and hobbies, to expand basic cultural facilities, to promote literature, fine arts, music, drama, dance, entertainment performances, motion pictures, discs and videos, to aid the balanced development of regional cultures, to protect, collect and exhibit cultural properties, to preserve, popularize and transmit national music, to improve language life, to promote publications and library services, to protect copyrights, to support youth cultural and artistic activities, to conduct international cultural exchanges and to guarantee and support religious activities.

533. The Ministry of Culture has under its direct control the Office of Cultural Properties, the National Museum of Korea, the National Academy of the Korean Language, the National Central Library, the National Theatre, the National Museum of Contemporary Art, the Korean Traditional Performing Arts Centre, the Hyonch'ung-sa Shrine Office, the King Sejong Tumulus Office, and the Seven Hundred Patriots Tumulus Office.

(b) Cultural policy committees

534. In order to deliberate on important policies to promote culture and the arts the Culture and Arts Promotion Committee was formed, pursuant to the Culture and Arts Promotion Act (art. 5, para. 1). The Committee is comprised of 17 members, including the Prime Minister, the Ministers of Culture and Education, the Presidents of the Academy of Arts, the Academy of Sciences, the Korea Culture and Arts Foundation, and the Academy of Korean Studies, and the Chairman of the Cultural Property Committee, and persons with a deep knowledge of culture and the arts, selected by the Prime Minister. Each local autonomous body has a local culture and arts promotion committee to deliberate on local cultural policies of importance, as required in article 5, paragraph 2 of the Culture and Arts Promotion Act.

535. There is also the Cultural Properties Committee, formed in accordance with article 3 of the Cultural Properties Protection Act to engage in research and deliberate on conservation, management and the use of cultural property; the "Library Development Committee" created by the Library Promotion Act (art. 9) and the Korean Language Deliberation Committee to deliberate on important matters concerning the Korean language.

(c) The Office of Cultural Properties

536. The Office of Cultural Properties is responsible for matters concerning cultural property. Established in 1961, this office has under its control 5 former royal palace offices, 12 royal tomb offices, and 5 regional cultural property research institutes.

537. The main functions of the Office of Cultural Properties include: designating tangible and intangible cultural property from a worldwide, as well as a national perspective, preserving and managing them, restoring important cultural sites and properties, keeping records and undertaking research on cultural property, education of professional cultural property management personnel, and the protection of cultural properties through prevention of illicit exports, theft and natural calamities.

(d) The National Museum of Korea

538. The National Museum of Korea was opened in 1945. As of April 1992 it has eight provincial museums under its direct control. It exhibits more than 6,000 objects in 25 permanent exhibition rooms and attracts more than two million visitors a year. It has over 120,000 artifacts in its collection. In 1991, it organized three special overseas exhibitions of Korean artifacts. It also held two exhibitions of foreign objects. The National Museum of Korea plans to expand international exchanges of museum materials.

(e) The National Academy of the Korean Language

539. The National Academy of the Korean Language was established in November 1990 to contribute to the improvement of language life through research and study of the Korean language. In 1991 it began publishing the quarterly journal Saegugo Saenghwal ("New national language life") for distribution to educational institutes and libraries. It operates a language telephone service (Kanada Telephone) to answer questions regarding the Korean language, thereby helping the people speak and write better Korean.

(f) The National Central Library

540. The National Central Library, established in 1923, had, as of April 1992, 1,809,000 volumes and 4,302 seats in 33 rooms. As the nation's representative library, it is expanding its international exchanges of materials with foreign libraries.

(g) The National Theatre

541. The only national theatre in Korea, the National Theatre was opened in April 1958 for the purpose of promoting national arts and enhancing dramatic culture. The main theatre has 1,518 seats. There is also a small theatre with 454 seats, and another small performance arena. Six performing arts groups are attached to it.

(h) The National Museum of Contemporary Art

542. The National Museum of Contemporary Art was established in 1969 to collect, conserve and exhibit works of contemporary art, to research, study and educate in the fine arts, and to conduct international exchanges. It now has over 3,200 works in its collections and holds permanent and special exhibitions.

(i) The Korean Traditional Performing Arts Centre

543. For 1,600 years, since the Kingdom of Shilla had its Umsongso, a state organization devoted to music, Korea has always had a state agency for music. The Korean Traditional Performing Arts Centre was established in 1951, and the Korean Traditional Folk Performing Arts Centre was organized in March 1992. In 1991, the Korean Traditional Arts Centre held 113 performances.

B. System for implementing the right to take part in cultural life

1. Funds for artistic creation and promotion

544. The Public Interest Fund and the Culture and Arts Promotion Fund are two major sources for the support of cultural and artistic activities in Korea.

545. The Public Interest Fund was organized in 1981 in accordance with article 35 of the Broadcasting Act and article 20 of the Korean Broadcasting Advertisement Corporation Act. In 1991, a total of 42,722 million won was given from the Fund to 10 organizations, including the Korean Culture and Arts Foundation, for the promotion of culture and the arts.

546. The Culture and Arts Promotion Fund was created in 1973, pursuant to the Culture and Arts Promotion Act (art. 6) to support creative activities, to disseminate cultural and artistic works, and promote the welfare of those engaged in cultural and artistic activities.

547. Of the target amount of 300 billion won for the Culture and Arts Promotion Fund, as of 1992, 116 billion won had already been raised. In 1991, a total of 14,414 million won was given to individuals and organizations to support cultural and artistic activities.

548. Since 1984, each local autonomous body has been creating its own Local Culture and Arts Fund. As of December 1991, a total of 40.4 billion won was invested in 14 such funds. Part of these funds are used to support local cultural and artistic activities, thus contributing to the development of local culture and arts.

2. Designation of the Year of the Arts

549. To concentrate support on a particular art genre, and to enhance the awareness of culture and art among its people, every year the Government designates a particular art genre under its Year of the Arts.

550. Nineteen ninety one was the "Year of Drama and Film", and support was extended to various commemorative projects in the fields of drama and motion pictures. Admission charges were subsidized to give more people access to drama and films to deepen their understanding of these two important artistic media.

551. Nineteen ninety two was designated as the "Year of Dance". A Dance Committee was formed with leaders of the dancing world as members. The Committee carried out a series of commemorative projects designed to promote youth dance culture, revitalize local dances, seek the roots of dance, promote dance arts and conduct international exchanges.

3. Expansion of local cultural facilities

552. As of the end of 1991, 16 city and county citizens halls have been built. The Government plans to build 18 culture-arts halls in the provinces by 1997.

553. Between 1993 and 1996, 120 public libraries will be built so that there will be no city or county without a library, and there will be one library for every 100,000 persons.

554. As of July 1991, the Republic of Korea had 899 cinema houses, 158 performance places, 285 exhibition halls, 221 local cultural welfare facilities, 176 cultural centres, 18 traditional performing arts centres, 25 facilities to teach traditional arts, 7,364 libraries including 267 public libraries, and 269 museums.

4. Examination of the cultural environment

555. Since 1991, the Korean Government has conducted an examination of the cultural environment in support of the creation of beautiful and harmonious cultural and arts spaces. Various buildings and their surroundings and spaces are examined in a cultural perspective. Necessary improvements are made as recommended.

556. Since March 1991, the Cultural Environment Examination Committee, composed of artists, architects, interior decorators and other professionals in related fields, has been making monthly examinations of the cultural environment. Necessary improvements are made as recommended by the Committee.

5. Honours and support for cultural and artistic personalities

557. In accordance with article 10 of the Culture and Arts Promotion Act, the Government annually awards culture and arts awards to artists in order to stimulate creativity and to recognize their cultural and artistic achievements. Between 1969 and 1990, 102 artists received the Culture and Arts Award and 167 were decorated. In 1991, five people, one each in five fields, including culture, literature and the performing arts, were awarded a Culture and Arts Award, and 19 elder cultural and artistic personalities were decorated.

558. In order to promote the welfare of cultural and artistic personalities, and to enhance the people's awareness of their contributions and achievements, since 1990 the Korean Culture and Arts Foundation has been awarding a pension to cultural and artistic personalities who have distinguished themselves in one of eight fields, literature, fine arts, music, drama, architecture, photography, Korean traditional music and entertainment performance.

559. To support the welfare of motion picture personalities, the private Korean Motion Pictures Welfare Foundation was inaugurated in 1984 to give monthly merit pensions and consolation pensions to elder motion picture personalities who have made contributions to the development of Korean motion pictures. It also awards scholarships to the sons and daughters of motion picture personnel who excel academically.

6. Promotion and support for cultural and artistic activities

560. To support qualitative improvement in Korean motion pictures and to help them attract as many viewers as possible, a system to support the production of excellent motion pictures has been in effect since 1986. The system

includes measures to give pre-production and post-production support. In 1992, 30 million won was given for five dramatic motion pictures prior to their production. Twelve potentially excellent motion pictures were selected and each was given 30 million won. Scenarios were publicly invited and two literary films were produced with government support.

561. The Government supports 11 local festivals held by provinces and cities, and 40 local cultural festivals to heighten the interest of local people in traditional values, as well as to encourage regional cultural exchanges and revitalize regional culture.

7. Increase of opportunities to take part in cultural and artistic activities

562. The Cultural Family Movement fosters and develops "cultural families", each consisting of about 10 persons who share common cultural and artistic interest and wish to exchange information related to their fields of interest. They are encouraged to engage in joint cultural and artistic activities as members of a cultural family. Beginning in 1990 the Government has been providing cultural families with information and materials on culture and the arts and inviting them to various cultural and artistic events. As of the end of 1991, there were 587 cultural families with 9,424 members.

563. As a means of culture and arts education, beginning in 1991 cultural schools were opened in various cultural facilities, including museums, local cultural centres and libraries. Youths, housewives and senior citizens are offered courses in traditional culture, artistic skills and other cultural matters. By 1991, over 25,000 students had graduated from various cultural schools.

8. Role of the mass media in encouraging participation in cultural life

564. To urge the people to take part in cultural life, newspapers, periodicals and television and radio stations regularly organize cultural events. Every year, 92 daily newspapers, 5 television stations and 13 radio stations hold literary contests to introduce new writers, musical performances, fine arts exhibitions and dramas. Of the 5,940 periodicals published in Korea, 224 are literary magazines that offer writers opportunities to present their work.

565. Television and radio stations are devoting more than 40 per cent of their entire programming to cultural programmes, and over 20 per cent to artistic and entertainment programmes.

9. Conservation and popularizing of mankind's cultural heritage

566. On 14 February 1983, the Republic of Korea acceded to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. On 14 September 1988 it acceded to the Convention concerning the Protection of the World Cultural and Natural Heritage.

567. As a State Party to these two Conventions, the Republic of Korea plans to have important and natural sites listed on the List of World Heritage and to join the international effort to conserve cultural property.

568. The Government has successfully restored and conserved many of Korea's ancient tombs, Buddhist temple sites, fortress wall sites, stone pagodas, and other relics of the Shilla era in Kyongju, one of Korea's greatest concentrations of cultural property. Another 21 projects, including those for Hwangryong-sa temple and Wolsong-sa temple, will be carried out in two stages, the first stage beginning in 1993 and running until 1997, and the second stage commencing in 1998.

569. As provided in articles 4 to 8 of the Cultural Protection Act, the Government, after deliberation by the Cultural Property Committee, designates important tangible or intangible cultural properties as "State-designated cultural properties". As of February 1992, there were 2,360 State-designated cultural properties: 269 National Treasures, 1,119 Treasures, 367 Historic sites, 6 Historic Sites and Scenic Areas, 7 Scenic Areas, 275 National Monuments, 93 Important Intangible Cultural Properties with 164 persons possessing the art required to perform or create the intangible properties, and 224 important folklore materials.

570. Tens of billions of won are spent annually to protect and conserve State-designated cultural properties. A subsidy is paid to trainees of 93 Important Intangible Cultural Properties, including music, dance, drama, mask dance-drama, ritual, handicraft and martial art. The trainee programme aims at conserving and transmitting to future generations intangible cultural properties.

10. Freedom of artistic creation

571. Article 22 of the Constitution states that "All citizens shall enjoy freedom of learning and the arts". Article 37, paragraph 2 states that "The freedoms and rights of citizens may be restricted by law only when necessary for national security, the maintenance of law and order or for public welfare". Even when such restrictions are imposed, no essential aspect of the freedom of artistic creation is curtailed. Only the freedom of artistic expression and artistic assembly and organization can be restricted in accordance with the law.

572. The Public Performance Ethics Commission was established to deliberate on matters concerning public performances, motion pictures, phonograph recordings and video works.

573. In accordance with the article 25.3 (4) of the Public Performance Act, the criteria for the deliberations of the Commission are as follows:

(a) Maintenance of the fundamental order of the Constitution, national security and the public order;

(b) Cultivation of Korea's national identity;

(c) Creative development of national culture;

(d) Proper guidance of children and youth;

(e) Purity of family life; and

(f) Enhancement of public morality and social ethics.

11. Professional education in culture and the arts

574. As of April 1992, 91 universities have arts-related departments which enrol about 16,000 students. To educate and train gifted students, from 1993 a national arts college will offer courses in music, fine arts and other art forms. Already there are 9 middle schools and 11 high schools which specialize in the arts.

C. Protection of moral and property rights of authors

1. Laws to protect works of creation

575. Article 22 of the Constitution states that, "The rights of authors, inventors, scientists, engineers and artists shall be protected by law".

576. The Copyright Act, fully revised on 31 December 1986, protects authors' rights and strives for fair exploitation of authors' works (art. 1). It provides for the rights to reproduction (art. 16), public performance (art. 17), broadcasting (art. 18), exhibition (art. 19), distribution (art. 20), and terms of protection, including during an author's lifetime and for 50 years after his or her death (art. 36).

577. The Patent Act, revised on 13 January 1990, protects and encourages inventions and their use, promotes technological development (art. 1), provides for monopoly rights in the application of patented inventions, and provides for the scope of protection of patented inventions (art. 97). The Computer Programme Protection Act was enacted on 31 December 1986 to protect creators of computer programmes. It provides the right of the programme creator to reproduce, adapt, translate, distribute and publish, and a 50-year term of copyright protection (art. 8).

578. The Copyright Act (art. 91), Patent Act (art. 126) and the Computer Programme Protection Act (art. 25) provide a mechanism for ending infringements of intellectual property rights, including copyrights, patent rights or computer programme rights. The Copyright Act (art. 93), Patent Act (art. 128) and Computer Programme Protection Act (art. 27) provide a mechanism for compensation when such infringements occur. Article 98 of the Copyright Act, article 225 of the Patent Act, and article 34 of the Computer Programme Protection Act provide for punishment of infringements. The following chart contains statistics on punishments which were handed down in 1990 and 1991.

Punishment handed down for infringements of intellectual property rights

(Persons involved)

	Trade Mark Act	Copyright Act	Computer Protection Act	Others
1990	1 122	1 667	30	571
1991	917	1 263	76	348

2. Universal Copyright Convention

579. The necessity for international protection of copyrights, due to increased international exchanges, advanced copying technology and strengthened protection of authors, led the Republic of Korea to revise its Copyright Act in 1986. In 1987 it acceded to the Universal Copyright Convention to protect foreign as well as domestic works.

3. Expansion of areas of copyright

580. Although registration of copyrights is not a condition for enjoying copyright protection under the Copyright Act, the Republic of Korea has a copyright registration system to help prove ownership of copyright and help copyright owners protect their rights from third parties (arts. 51-53 of the Copyright Act). The following copyright registrations were made from 1986 to 1991.

Copyright registrations

Years	1986	1987	1988	1989	1990	1991
Number of registrations	17	61	162	207	287	203

581. Article 78 of the Copyright Act permits the operation of a copyright agency business to benefit both copyright owners and exploiters of their works. As of December 1991 there were 3 trustees, 37 agents and mediators, and 2 compensation collecting organizations to ensure fair and smooth exploitation of works.

582. In addition to these measures for the protection and fair use of copyrights, social education programmes by such cultural arts facilities as museums, libraries, and civil servant training institutes offer courses in copyrights. Articles on copyrights have appeared in numerous periodicals and publications and have been widely distributed. Efforts will continue to deepen the people's awareness of copyrights.

D. International cooperation in cultural fields

583. The basic international cultural exchange policy of the Republic of Korea is to carry out mutually beneficial cultural exchanges, relatively free of restrictions, with countries with which diplomatic relations are enjoyed.

584. In 1991, the international cultural exchanges in the Republic of Korea included over 130 performances by foreigners, more than 70 exhibitions of foreign works, and over 70 international conferences. More than 140 performances by Korean artists, and over 40 exhibitions of Korean works were held in foreign countries. Koreans attended more than 40 international cultural and artistic conferences held overseas.

585. As of April 1992, the Republic of Korea has concluded cultural agreements with 65 countries, 12 in Asia, 22 in North and South America, 10 in Europe and 21 in Africa and the Middle East. It intends to conclude cultural agreements with more countries.

586. In accordance with the terms of its cultural agreements, and to implement a more concrete international cultural exchange programme, the Republic of Korea regularly holds joint cultural committee meetings with counterpart countries every two or three years. As of April 1992, it had joint cultural committee meetings with 11 countries.

587. The Republic of Korea became a member of UNESCO in June 1950, and the Korea National Committee for UNESCO was organized in 1954 to carry out active international exchanges in cultural fields. In 1963, the Act relating to activities of UNESCO was enacted to support UNESCO programmes and activities.

588. The Government will not only continue to be active in international cultural organizations and to seek expanded international cultural exchanges, but will also greatly encourage non-governmental organizations to take part in international cultural exchanges.

E. Application, preservation and development of science and its diffusion

589. Korea has developed science and technology throughout its 5,000 years of history. Korea boasts of a long-standing science and technology heritage, including the astronomical observatory in Gyoungju which was the bastion of science and technology development in ancient times. Also included is the bell of Bong-duk temple whose creation was based on highly renowned moulding technology. In particular, Koreans are proud of the fact that metallic typography was invented in Korea.

590. Article 127 of the Constitution of Korea clearly states that it is the State's duty to develop science and technology, information and human resources to encourage innovation and to establish a system of national standards. The Korean Government established the Ministry of Science and Technology in April of 1967 to better serve the increasing need for advanced science and technology, the basis of Korea's economic development. The Korean Government takes full responsibility for science and technology planning, management, promotion, and international cooperation.

591. Korea celebrates 21 April as Science Day, thus consolidating the will to further develop science and technology and deepen awareness among people from various walks of life. The Korean Government confers medals of merits on those who have contributed to the development, promotion and diffusion of science and technology.

592. In order to promote research and development, the Korean Government established the Korea Institute of Science and Technology in 1966, and the Korea Advanced Institute of Science and Technology in 1970, along with other government funded institutes specializing in shipping, electronics, energy, standards, mechanical engineering, metallurgy, and electrical engineering. The Government has moved to secure a space for science and technology research and has started the construction of the Daeduck Research Science Town in 1974, which will be completed in 1993.

593. This research complex currently accommodates 3 government institutes, 13 government funded institutes, 2 government subsidized institutes, 6 private research institutes and 3 higher educational institutes. In this complex reside 11,000 people who are engaged in research activities. A total of 36 more institutes, 2 government funded institutes, 25 private research institutes, 7 government subsidized institutes and 2 government institutes are due to take up residence there in the near future.

594. One of the most important factors in science and technology development is research and development investment. In 1963 per capita GNP was 87 dollars, the annual economic growth rate 2.2 per cent, and the ratio of research and development investment to GNP 0.24 per cent. These figures increased to 6,265 dollars, 8.6 per cent, 2.24 per cent respectively in 1991. The Korean Government is committed to raising research and development investment to 5 per cent of GNP by the year 2000.

1. Preserving the environment

595. The Korean Government is aware of the fact that preserving the environment is essential to the very survival of human beings. This is the main reason for the Government to strive to maintain environmental order and balance.

596. The Korean Government launched the first four-year project in 1986 in which it conducted investigations on the national eco-system. For the preservation of eco-systems, water resources, and cultural properties, it designated 6,332 km^2 of its territory as an environmental preservation region. Three different areas (55.5 km^2) which are worth preserving are also designated as ecological system preservation regions.

597. The Government enacted the Act on Environmental Preservation on 31 December 1991 to protect the environment from destruction by human beings and to prevent species from being extinguished. This provides a basis for comprehensive measures for environmental preservation.

598. The National Environment Institute, which was established in August 1978, is in charge of scientific research on the environment. Its major functions include providing information needed for setting national environmental policy, research, investigations on the national environment, and training of technical personnel.

2. Diffusion and promotion of science and technology

(a) Information organizations

599. In accordance with article 10 of the Act on Science and Technology Promotion, the Korean Government supports information organizations and is committed to building up its information distribution system in an effort to support and develop its information industry. Government funded institutes serve as information centres, for instance, the Electronics and Telecommunications Research Institute is in charge of electronics and communications, the Korea Institute of Machinery and Metals is responsible for mechanical technology, and so on. The Systems Engineering Research Institute encompasses functions carried out by individual institutes and is also taking charge of the standardization of related technology.

600. The Korea Institute of Industry and Technology Information (KINITI) was established in 1991. Its mandate is to promote the diffusion of industrial technology. The major function of the Institute is to collect and process industrial technology information. Based on its own data base, it has built an information network for industrial technology and information distribution systems.

(b) Promoting the spread of information

601. The Korea Science and Technology Promotion Foundation was established in 1967 to promote the diffusion of information. The Science and Culture Library of the Science and Technology Foundation functions as an information centre which provides varied information on science and technology. It also focuses on fostering an atmosphere for academic research into science and technology, as well as the introduction and exchange of international information.

602. By inviting scientists from other countries and holding seminars, it offers local scientists an opportunity to adjust efficiently to changing information. Reports on the outcome of seminars are published to provide people with easier access to newly acquired information.

(c) Briefings on technology policy trends

603. Government funded institutes hold meetings to exchange views on collecting, processing and analysing information on technological development trends abroad. This is important to establish innovative science and technology policies. In 1991, three institutes, including the Korea Science Foundation, report on technology development policy trends abroad.

3. Prevention of the use of technical achievements to infringe rights

604. Article 16 of the Science and Technology Promotion Act is designed to assess the positive and negative effects generated from the introduction of new technology in terms of economy and culture, and to prevent negative side effects.

605. Article 32 of the Patent Act states that inventions which can damage social order or public health are not subject to patent protection. Objects produced from nuclear weapons manufacturing processes are also banned from patent protection.

606. The Korea Science and Technology Promotion Foundation (KSTPF), founded in 1967, carries out diverse projects aimed at fostering a favourable atmosphere for science and technology development and broadening understanding among people of such development and its side effects.

KSTPF projects

(in million won)

	1991	1992
Science education for youths	325	337
Subscription to science magazines	150	154
Production of science pictures	26	27
Support for seminar on science	800	600
Miscellaneous	350	250

F. Science education and technology development promotion

607. In order to protect the rights guaranteed in the Constitution, article 2, paragraph 4 of the Education Act states that science education should enable students to have science-oriented minds and provide opportunities for creative activity. Article 3 also emphasizes the importance of science education.

608. The Bureau of Science Education, established under the Ministry of Education, formulates policies concerning the promotion of science and technology education and the training of necessary manpower. It is also in charge of projects for high-tech education and the supervision of related research groups.

1. Measures for education and training of manpower

609. In an effort to provide pragmatic measures for science education, the Government founded nine science high schools. Middle school students who rank in the top 3 per cent in school are given the opportunity to apply for the schools. Science high schools admit students who have a special aptitude for science.

610. In these schools, science history and computer science are added to the general curricula. There are fewer students per class so laboratory work can be emphasized. The nine science high schools have 1,416 students as of December 1991. Most of the graduates of these high schools continue their studies at the Korea Advanced Institute of Science and Technology.

611. The Korea Advanced Institute of Science and Technology (KAIST) was founded pursuant to the KAIST Act. It aims to produce quality scientists who are capable of applying theory to practical use. It also focuses on providing science and technology expertise for mid- and long-term research and development programmes. The resulting academic achievements from KAIST are as follows:

KAIST academic achievements

(Number of persons)

	1986	1987	1988	1989	1990	1991
Master's degree	548	533	512	527	532	530
Ph.D.	72	121	133	165	186	247

2. Cultivating science-oriented minds

612. The Korean Government established the National Science Museum, whose mission is to collect and display science and technology materials. The Science Museum has standing exhibition rooms, special exhibition rooms, an astronomical observatory, a theatre, and an open science class.

613. Scientists who are active in their field visit their alma mater and give lectures on science and technology. This is part of the Government's effort to cultivate science-oriented minds in youngsters and to give them a sense of pride and hope for the future. Thirty scientists and 13,300 students participated in this project in 1991.

3. Supporting private firms

614. To foster a favourable atmosphere for technological development by private firms and to strengthen the competitiveness of firms, the Government is implementing the following policies:

(a) Preferential taxation: the Government grants a 10 per cent tax deduction for money invested in technology and manpower development. Goods imported for research and development or technological research are exempted from tariffs.

(b) Financial support: in accordance with paragraph 3, article 8 of the Technology Development Promotion Act, the Government supports the development of core industrial technologies by private firms which have difficulty in

developing the technology alone. The Government offers financial support to firms for research and development programmes in such fields as basic science and public technology.

Government support for firms in individual fields

(In hundred million won)

	1986	1987	1988	1989	1990
Industrial technology	359 (447) a/	375 (447)	422 (340)	470 (694)	717 (772)
Public technology	102 (23)	117 (12)	155 (13)	221 (24)	226 (27)
Miscellaneous	56	58	73	179	257

a/ Figures in parentheses are the amount shared by private firms.

615. With shared research and development support from the Government, as of 1990 a total of 1,107 projects were completed. Of the 661 projects intended for commercialization, 57.3 per cent were successfully completed. One project, the development of the 4 megabyte DRAM, marked the turning-point in Korea's advance into the ranks of industrialized nations in the fields of semiconductors.

G. Scientific research

616. Article 22 of the Korean Constitution states that the rights of authors, inventors, scientist engineers and artists shall be protected by law. Since scientific research and artistic pursuits are essential parts of the human spirit, and freedom of inquiry plays an important part in cultural progress, the Government puts great emphasis on the freedom of creative activity.

1. Measures for the support of research institutes

617. The Korean Government founded 13 research institutes, such as the Korean Institute of Science and Technology and the Korea Advanced Institute of Science and Technology, pursuant to the Special Research Institute Promotion Act of 1973. The Government provides financial support to these institutes, which employ 8,595 people. The Government provided these institutes with 203.1 billion won in 1991 and 232.4 billion won in 1992.

2. Measures for researchers

618. To elevate the research capability of researchers, and to gain research experience from advanced countries, the Government is sending researchers who hold Ph.D. degrees abroad for study tours. Details are provided below.

Study tours

(Number of persons)

	1983	1984	1985	1986	1987	1988	1989	1990
Number of persons	58	75	83	188	151	200	207	178

619. As an incentive, scientists who have contributed to finding new theories and to developing new technologies are granted a pension by the Government. Each year the Government selects beneficiaries in specific science and technology fields.

3. Right to information

620. Article 21 of the Constitution guarantees the freedom of speech and the press. No censorship of speech and the press is conducted. Freedom of the press is a fundamental right and it includes the right to information.

621. Korean scientists have easy access to any information needed for their research and development programmes through various meetings or academic gatherings.

4. Supporting scientific societies

622. There are about 200 academic societies formed to exchange academic achievements among scientists. In 1991, 519 academic journals were published. In 1991, the Government offered 890 million won to support the publication of journals and 210 million won for 229 scientific meetings.

623. Korean academic groups are active in international scientific exchanges. They have published 28 journals in English. The Government has provided 71 million won to 30 academic societies which participate in international activities.

H. Future domestic policy

624. The Korean Government has established a comprehensive policy for science and technology innovation in order to advance into the ranks of the industrialized nations. The policy is composed of three major parts. First, 14 core technologies are to be upgraded to the level of the advanced nations by the year 2000. Technologies related to agriculture, the construction environment, health, and energy will also be subject to constant development. Second, investment in science and technology will be increased to 5 per cent of GNP by the year 2000 from 2.2 per cent in 1990. By 1996, the Government will secure one trillion won in science and technology funds. Government funded institutes have to invest a certain proportion of their revenue in science and technology development. The Government will expand financial support for science and technology development. Third, the Government will increase science and technology manpower to 160,000 by 2001 from 71,000 in 1990, and enrolment in the Korea Advanced Institute of Science and Technology will be increased from 540 in 1991 to 1,000 by 1996.

I. International science and technology exchanges

1. Joining international bodies

625. Korea has benefited from science and technology exchanges with advanced nations. With its enormous growth and the resulting science and technology development, the pattern of exchange has become more reciprocal. Since 1980, Korea has signed 22 reciprocal science and technology related agreements with industrialized countries. Based upon these agreements, Korea holds regular ministerial meetings and joint committee meetings with its counterparts. Through these meetings, participating parties further science and technology cooperation and discuss measures needed to respond to the globalization of science and technology.

2. Cooperation with the United Nations

626. Since the 1950s, the United Nations has played a major role in providing aid to Korea. The United Nations Development Programme (UNDP), through its country programme, supported the long- and short-term development plans of Korea in many ways, including training of personnel, provision of experts and aid for equipment. In the fourth cycle of UNDP projects (1987-1991), 30 projects were completed with 10.45 million dollars.

3. Cooperation with developing countries

627. The Korean Government has been active in science and technology cooperation with other developing countries. It has offered training programmes for personnel from developing countries and sent experts to these countries. Korea finds it important to promote cooperation with developing countries hoping to share its experience acquired in the process of economic and social development.

628. From 1963 to 1990 Korea invited 3,809 trainees from abroad and sent 436 experts to developing countries at a cost of 14.113 billion won.

Exchanges of technological personnel

(Number of persons; millions of won)

		1963-1971	1972-1981	1982-1986	1987	1988	1989	1990	Total
Invited trainees	Persons	68	654	1 468	335	405	432	444	3 809
	Budget	76	1 599	4 747	1 289	1 485	1 664	1 292	12 152
Dispatched experts	Persons	18	80	153	35	45	60	45	436
	Budget	13	167	858	205	250	243	225	1 961

4. International joint research

629. Korea is interested in international joint research conducted to strengthen research capabilities. However, owing to its lack of full capability to participate in joint research with other countries, international joint research is not yet being briskly carried out.

630. In 1991, a total of 58 projects were conducted with the United States, Japan, France, Britain, the former Soviet Union, Sweden and the International Atomic Energy Agency in such fields as information technology, biotechnology, precision chemistry, nuclear power, solar energy, mechanics, aerospace, and oceanography.

5. Participation in international seminars and symposiums

631. Various forms of cooperation are being carried out through seminars, workshops and symposiums held by international bodies like the Colombo Plan, the United Nations Educational Scientific and Cultural Organization, the Economic and Social Commission for Asia and the Pacific, the Food and Agriculture Organization of the United Nations, the World Health Organization, the United Nations Industrial Development Organization, the Investment Promotion Service, the International Monetary Fund and the International Labour Organisation.